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WINTER
SPEECH

SPEECH

OF

THE HONOURABLE ARTEMAS WARD,

DELIVERED IN THE

HOUSE OF REPRESENTATIVES OF
THE UNITED STATES,

ON THE FIFTH DAY OF MARCH, 1814,

ON A BILL

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY
ESTABLISHMENT OF THE UNITED STATES FOR THE YEAR ONE
THOUSAND EIGHT HUNDRED AND FOURTEEN.

BOSTON :

PRINTED BY C. STEBBINS.

1814.

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MR. WARD'S SPEECH,

(On the bill making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and fourteen.

MR. SPEAKER,

I AM against passing the bill on your table. It contemplates appropriating the enormous sum of \$ 30,302,906 to the support of the military establishment for the present year. This sum, and three times as much more, as is manifest from the well-founded calculations of military gentlemen, will be expended in the course of this year, if the army is raised which is authorized by the bills which have been lately passed, and the war for the conquest of Canada is prosecuted with the degree of folly and improvidence which have hitherto characterized it in its course.

This appropriation will absorb nearly the whole sum which will be raised by the loan bill recently enacted. The terms upon which this money will be obtained, requires a more profitable application of it. When an individual raises money by sending his paper to market, it is considered a sure indication of impending bankruptcy, and is ever found to be the messenger of truth.— When a government, in behalf of all its citizens, raises money upon terms which every individual would reject, were he a borrower, as too wasting and extravagant, they ought at least to be able to give a good account of the manner in which it has been expended, and the returns and advantages which are obtained. Bad economy in an individual, is bad economy in the public. But, sir, if this sum, or any larger sum within the resources of the country, was called for to build a navy for the protection of the commerce, and avenging the wrongs of our common country, against the aggression of any and all nations, whether English or French, barbarous or civilized, I should give my vote for it with great promptness and pleasure; but with a view to the conquest of Canada, or in the support of a war which I view not only to be weak, but wicked, I would as soon vote supplies to be expended in the invasion of Canada by land, as the investment of it by sea. We can as conscientiously pay for the shedding human blood on the plains of Abraham, as on the river St. Lawrence. If the character of the contest in which we are engaged, were that which is given to it by the President in his message, I should be one of the last men in this house to oppose this appropriation; and sure I am that my constituents would expend their last dollar, and shed their best blood, in its support. If, sir, in the language of the President, "it appealed for its support to the pure principles of patriotism and the pride of liberty," in the section

of country which I have the honour to represent, the withholding of supplies, the refusing to levy men, or raise money, or any other incident, would not impede its prosecution. If, sir, it appealed to these heaven-born principles for support, the citizens of Massachusetts, never insensible to them, notwithstanding the many dark surmises against them, and the many illiberal, not to say indecent remarks, to which they have been subject in the course of this debate, would be found where they ever have been, and ever will be, when those pure principles call them to action, in the front rank of effort and danger. This is the proud and elevated ground on which the true history of your country has placed them. In the glorious contest which achieved our independence, in which Massachusetts took counsel alone of her courage, her supplies of men and money were greatly beyond that of any other state in the Union, whatever may be their pride or their boasting. In a war in which "the pure principles of patriotism and the pride of liberty" beat to arms, the place which has ever known Massachusetts, would know her again,

Though the President has said that the war appeals to "the pure principles of patriotism and the pride of liberty for support," he has not condescended to show how, or in what manner, it does so. It rests wholly in assertion. And if he had said directly the reverse, the position would at least have been as well supported. In my mind, its character is the antipode of that which is given it by the President. The prosecution of it, after the revocation of the orders in council, was unjust, as it respects our enemy, and pre-eminently so, as it respects our own country. Not believing in the justice, necessity, or expediency of the war, I am against its farther prosecution; and it is my wish to admonish the administration to effect an armistice, and make a peace by the only means which are left us, by shutting our hand and withholding supplies.

Some gentlemen seem to act under the impression that the minority are faulty in not concurring in the granting of supplies; that the Congress in 1812 having declared war, we are committed and must make the necessary provision for carrying it on. This I do not admit to be sound doctrine. We are as much at liberty to think for ourselves, and act according to our opinions, as our predecessors were. Acts of legislatures which are in the nature of grants, it is true, are irrevocable, but the declaration of war is not of that character. An after legislature, with reference to such an act, is not bound to effectuate the purposes of a former one. It is not only their right, but their duty, to rescue their country from destruction. This unjustifiable claim of superiority, on behalf of the last Congress, and of a sort of vassalage to them, on the part of the present, is not to be admitted or endured. Whether or not the war was just at the time when it was declared, is of no importance. To prosecute it without cause, is as unwarrantable as to commence it without justice. After the revocation of the orders in council, I contend that we had no cause for prosecuting the

war, which was just, even as it respects our enemy. But if it were just, as it respects our enemy, in the situation of our country it was unjust and cruel, as it respects our own country, and against the duty which the government owes to its citizens. If we had just cause of war, as it respects our enemy and our own country, it ought not to have been declared until negotiation had been fully and fairly tried, and the alternative of war or satisfaction had been presented to the enemy. If just cause of war existed, and negotiation had been tried and exhausted, to prosecute it by invading Canada, and carrying misery and destruction to its inhabitants, in as much as invading them has no tendency to enforce our rights, which are said to be violated, or to compensate us for the injuries said to be sustained, is wanton and cruel. The mischief done to them is merely gratuitous. To make a war just, as it respects our enemy, it is necessary that they should have done us an injury of such magnitude as to be good cause of war, not accidentally, but intentionally, claiming a right to do it, or in contempt of our rights, and that we should have called for satisfaction, and it should have been denied us. War is a tremendous evil, and ought not to be resorted to for light reasons. It is the last resort, the ultima ratio of man, and the greatest temporal scourge of GOD. It is with surprise and deep regret that I hear it spoken of with so much insensibility by gentlemen of the majority. The bloody, the wasting work of war, seems to be considered as an amusement, or a trifling game of hazard. Having failed in two campaigns, prosecuted at an amazing expense of blood, treasure and human happiness, another effort is spoken of with as much sang froid as a second hit in a game of back gammon.

The misfortune of the world is, that they who declare war do not fight the battles and undergo the miseries of the field. Had the Congress which declared war sat on the snow-banks where Hampton's army encamped, their false or mistaken patriotism would have been cooled, their session would have been short, and we should have had no war. Let gentlemen visit the field of battle, view the bodies of the dead, and hear the groans of the dying; let them follow the maimed and the cripples through all the mazes and miseries of their wretched journey through the remainder of life; let them visit the friends of those who have fallen in battle, and witness their agonies and distress, and they will not expect to compensate for the aggregate of human misery in lofty, unmeaning expressions, of what is due to mistaken national honor.

To make a war just as it respects our own citizens, the object contended for, ought to be of sufficient magnitude if obtained, to compensate them for all the losses they sustain, and the miseries they suffer in its prosecution; otherwise more of evil than good will result from it. The expectation of success ought also to be reasonable. These points ought to be so clear that there could be no difference of opinion, among intelligent and honest men. There are cases, it is true, in which a nation ought to take counsel only of

its courage. When its existence is threatened and all is at hazard, every effort ought to be made, and if it falls it will fall in triumph. But, sir, in ordinary cases, something is due to national interest and national happiness, as well as to visionary notions of national honor. I am as little in the habit of reckoning every thing in dollars and cents, as any gentleman in this house. But the false patriotism of sacrificing important interests and rights to secure pretended ones, deserves severe reprobation ; it is against an important article in my political creed.

The gentleman from Virginia (Mr. Nelson) "rejoiced and rejoiced," almost without ceasing, that the discussion of this and its kindred bills, had taken place in the latitude which has been indulged, inasmuch as it had afforded an opportunity to the minority, to show to the world the evidence of their attachment to the English nation, and the effects of British influence. We have been asked again and again, by gentlemen of the majority, from various quarters of the House, where that spirit of resistance to British aggression has fled, which was manifested by the federalists of Boston, in their memorials to Congress, in 1806, urging the government to war with England, and pledging their lives and fortunes to prosecute it with vigor ; where those feelings now are, which were exhibited by the federalists at the death of Pierce, who fell by the hand of British violence ; and where that national pride is which was called forth at the insult offered to our sovereignty, in the attack upon the Chesapeake. It is said by those gentlemen, who with an air of triumph ask these questions, that, when Pierce was killed the federalists contended for the honor of burying him, and for the first positions in his funeral train ; and that they thirsted for satisfaction for the insult offered to our national honor, in the affair of the Chesapeake. This is all true.—The same spirit now exists among the same honorable men, and will show itself whenever the purposes of justice, and the honor of the nation require it. The gentlemen who have alluded to these facts, cannot have attended to their operation, and the evidence which they furnish, that the feelings of the federalists are truly American. Should the British put forth their hands and touch American interest or insult the honor of our nation, if any want of spirit or power of resistance is discovered in our country, it will be found in the ranks of the majority. When and on what occasion have the gentlemen of the majority exhibited such temper and spirit towards the French, under insults and injuries of the most atrocious nature, as they now bear witness. that the federalists on these occasions manifested towards the English?—On none. I repeat it, sir, on none.—On all occasions our government for twelve years past, have discovered a truckling, submissive temper to the government of France, which would disgrace the tamest people. When injured and insulted outrageously instead of demanding satisfaction and shewing manly and proper resentment, such as our national honor required, our government have condescended to put apologies into their mouths, which they have disdained to offer

for themselves. When our ships were burnt by French cruisers by order of the Emperor, against all law moral or national, the complaints of our government were expressed in the language of meekness. They merely suggested to the French minister, that if it was necessary to burn our ships to prevent the fleets of their enemy from falling in with them and obtaining information, (which the French had never intimated) that it was the "most distressing mode in which belligerent's exercise might contrary to right." While our government have been very sensitive and tremblingly alive to every symptom of British indecorum, and by a kind of second sight have seen it where it did not exist ; they have licked the dust from the feet of the emperor of the French. The maxim " the same disposition which makes one insolent to the weak, makes him abject to the powerful," has been abundantly verified in the conduct of our government towards the two great belligerents.

I have no blind prejudices or partialities for the English nation. My feelings are purely American. Englishmen and Frenchmen when they violate the rights of our country, it is my wish should receive the same measure of resistance. I was educated in revolutionary principles, and inhaled with my first breath something of prejudice against the people with which we are now at war. It does not enter into my views to shew that our enemies are right ; it is true I feel a conviction that the government of our country is wrong, and if this could be shown without seeming to justify our enemy, the task to me would be less unwelcome. This it is impossible to avoid. It is a despotism of principles, from the tyranny of which no one who attempts to perform what I feel to be my duty to do, can escape. It is impossible to show that one party to a controversy is wrong, without apparently shewing that the other is right. But justice is justice, and right is right, let them apply against whom they will ; and he must be a miserable judge who decides causes according to the parties, and not according to their merits.

Although the orders in council are out of the question, having been revoked, notice given to our government and an armistice proposed by our enemy before hostilities were commenced, yet such have been the allusions to them as evidencing a disposition on the part of our enemy, wantonly to invade our commercial rights, and not to be at peace with us, that a few remarks upon them will not be misapplied.

The enemy did not consider those orders as an infraction of our rights, as an independent nation. If they reasoned incorrectly and their orders were indefensible, there was nothing of contempt or intentional wrong in their conduct ; of course nothing to excite the violence of passion, or that heat which arises when injury is coupled with insult. Injuries of this kind we have often received from the French, and tamely submitted.

At the time of the passing of the Berlin decrees, we were at peace with Prussia, Hamburg and Denmark, and our merchants

were carrying on a profitable trade with them, in various commodities, some of which were of the growth and manufacture of Great Britain. These nations then ranked as free and independent nations, and the trade which we then carried on with them was lawful, and one which we had a right to pursue. The Emperor of France nor any other government, excepting that of the respective countries above mentioned, had a right to interrupt it. Bonaparte, as a war measure, not as a municipal regulation, resolved upon the destruction of this trade; and by means of a military force compelled the governments of those countries to discontinue this trade with us, to the injury of our merchants. Had Bonaparte fitted out ships and captured American property on the high seas, on its passage to those countries, if it were originally of British growth or manufacture, no one would have contended that it was not a violation of our neutral rights, and that we ought not to have resented it. Where is the difference between his sending a force upon the seas to capture our property going to a neutral port, and sending an army by land to do the same thing? If the end is wrong the means used to effect it cannot make it right. The property of our citizens captured and condemned, under the Berlin decree, greatly exceeded that seized under the Orders in Council, in any given space of time.

Many months before the Orders in Council were put in execution, we had notice from the British government, that if France was permitted with impunity, to interrupt the trade between neutrals, that she would by way of retaliation interrupt the trade of neutrals with France. However, whether or not the Orders were a just retaliation upon France, and could be inflicted through the sides of a neutral, is of no importance, they having been repealed and due notice given to our government. With reference to the temper discovered by our enemy, I thought it pertinent to make these remarks.

After the Orders in Council were revoked, we had no just cause of war, even against our enemy. The complaints of impressment did not furnish one, when war was declared. That injuries had been done to us in this respect, is not to be denied. But that they are of the magnitude suggested, there is no pretence; an exaggeration without example, has been the effect of the round number calculation, in which gentlemen have indulged. The subject does not admit of precise certainty, as to the number of our seamen taken against their will, or the amount of our injury. But the investigation, which one of my honorable colleagues (Mr. Taggart) has made, and which is before the public, shows that it is a mere bagatelle, when compared with the representations of gentlemen of the majority: even within the walls of this house, and in the course of this debate egregious errors have been committed. The gentleman, from Pennsylvania (Mr. Ingersoll) has attempted to ascertain the whole number of impressed American seamen, by comparing the number of American seamen, found on board the Guerriere, Java and Peacock, with the whole number of seamen

on board those vessels, and then supposing, that the whole number of impressed American seamen in all the British ships, bears the same proportion to the whole number of seamen in the British navy. This rule if rightly executed would be uncertain and fallacious. But the gentleman, has made a mistake of upwards of nine hundred per cent. in the number found on board the Java. He has assumed that she had eleven, whereas she had but one.

The investigation of this subject which has taken place, before the legislature of Massachusetts, to aid in which, men of both political parties have not only been invited, but compelled to give information, shews that the evil is not only small, but diminishing daily.

The British nation claim the services of her subjects in time of war, and the right of visiting neutral merchant ships, and taking those who have withdrawn from her support. This right on change of circumstances, she admits to exist in our government, and it is certainly claimed and exercised by other belligerent nations. Her right to impress even her own subjects, has been more than doubted by many of the majority. That the power of compelling the subjects and citizens of all countries, to contribute their services in time of war exists in some department of their government, cannot be questioned. The chairman of the military committee (in the course of this debate) has intimated, that, if enlisting soldiers failed, conscription would be the next resort.

Though it is admitted that this power exists in our country, it is denied that it appertains to the government of the United States. It belongs to the state governments. As between G. Britain and her subjects, I can see no reason why she by her naval officers, cannot compel the services of her subjects found on the high seas, as well as we ours, by our military officers found on land. If she has a right to the services of her subjects, they have no right to withhold them. There cannot be right against right. If the subject has no right to withhold his services, withdrawing from his country and entering on board a neutral ship is wrong, and to exempt him from serving his country because he had withdrawn, would be allowing him to take the advantage of his own wrong, which is not admissible. But it is said, that they have no right to visit our merchant ships; that a ship at sea is an extension of our territory. This principle is applicable only to national ships. The argument of the honorable Speaker, proves too much. If his doctrine is correct, that a neutral merchant ship at sea is an extension of her territory—articles contraband of war—enemy's persons and property may be carried without interruption by neutrals, and the law of nations respecting contraband of war, would be of no effect. It is due to the honor of a neutral nation, to suppose that her armed ships sailing under her authority, will not violate belligerent rights, and supply her enemy with articles contraband, &c. But this is not due to her merchant vessels. The right to visit them for the purpose of searching for articles contraband, for enemy's persons and enemies goods, is claimed and exercised by all

belligerent nations. If this doctrine of the Speaker is correct, it follows of course, that free ships make free goods, a position which is denied by all writers of respectability on international law. In all cases where free ships make free goods, is the rule between nations, it is the effect of treaties which have changed the common rule, and the making of which shows that the law of nations is otherwise.

But it is said, that if they visit our ships, they will take not only their own, but our citizens. That such is the similarity of language, manners, &c. that it is impossible to discriminate; and because they cannot exercise their right, without invading ours, they must abandon theirs. Who is it that occasions this confusion of characters and persons? The documents which have been read by gentlemen on the other side, to show the magnitude of the injury, and the determination to compel a redress in President Washington's time, show also that from the high wages given, and other lures, British seamen were enticed into our service. No means of prevention were adopted to exclude them from our vessels, and avoid this intermixture of persons—and confusion of rights.

What, sir, is the law in cases analogous? We may reason from small things, to things of greater magnitude and of a higher nature. My feelings always recoil, when I compare men with property. I am in the habit of estimating human flesh and blood, quite as highly as the gentleman from South Carolina (Mr. Calhoun) I also prefer the person of a man to a bale of goods. I consider him of too high a nature to be placed on a level with property.

If A. has an indefinite quantity of any commodity, which has no ear marks, or distinguishing features; and B. has also an indefinite quantity of the same commodity—and B. intermixes his with A's, the consequences are, that B. incurs a forfeiture of his right. He who creates the confusion of rights, forfeits his right. I do not mean to be understood, that as we suffer their men to come on board our ships, and confusion arises, that therefore they have a right to take and hold, not only their subjects, but our citizens.—But certainly as we are the cause of the confusion, it does not seem to be warrantable, to conclude, that they shall not be permitted to take even their own.

The right to take from American merchantmen, native American citizens, or the citizens or subjects of any other country, whether naturalized in America or not, is not claimed by the British, and whenever they are taken by mistake, they are discharged as soon as the mistake is discovered; and our government have been invited, again and again, to furnish information that justice might be done. In point of principle, there is no controversy between us, excepting as to her subjects, which have been naturalized in America. A right to their services, she claims in virtue of their native allegiance, which she contends they owe her, and cannot throw off, without her consent.

Upon this point, the British government, and our own, are at issue ; and upon the ground of reason and authority, in my mind, it is against us. But if it were not, I ask gentlemen of the majority, who seem to be so sensitive on this subject, if there is any justification for involving our country in war, in the state in which we were, for this class of citizens—when the consequences are, that native American citizens, who are bone of our bone, and flesh of our flesh, cannot be protected. What is the President's answer to the native American citizens of North Carolina and Maryland, the fathers and mothers, the brothers and sisters, the wives and children, who supplicate protection of our government for themselves, in the houses, in which they were born and on the soil, on which they and their ancestors have immemorially inhabited—“we cannot protect you.”

Why not give this answer to the new born citizens of our country, or even to native citizens, who are not content to share in the milk and honey of our land at home, but ask protection on the highway of nations ? Would not the answer to the citizens, “we cannot protect you,” be emphatically true. more so than the answer to the good people of North Carolina and Maryland ? and could not honorable pride more easily submit to give it ? Great sensibility is discovered by gentlemen in this debate, for the sufferings of our naturalized citizens, and it has often been repeated that government dare not refuse to protect them. Many lofty high sounding expressions concerning their rights, and what is due to our national honor, have been repeated again and again.—Sir, humiliating as the thought is, in the present state of our navy, it is not in the power of the government to protect our naturalized citizens, on the ocean. In attempting it, we take the children's bread, and give it to strangers.

This class of citizens have no claim upon our government for protection on the high seas, against their native country. We took them, subject to her claim of allegiance, and are bound to protect them on the high seas only against others than their own country. By naturalizing them, no such duty devolves on our country. As well might a man who had mortgaged his estate, and then conveying it, as free of all incumbrances, complain of his grantee for not paying the debt, to secure which it was conveyed in mortgage. The forms of our naturalization law lead to no disclosure of the circumstances under which a citizen, who offers himself for naturalization, leaves his own country—Whether or not he is banished, and discharged of all obligations of allegiance, does not appear. The pride of men who can say to native citizens, we cannot protect you, and with swelling importance rush into a hopeless war for the protection of naturalized ones, is contemptible.

That allegiance is natural and universal, in my mind, is supported by reason and authority. On this subject, the great European nations accord. In our country it has been decided that allegiance is perpetual, by the highest judicial tribunal, and in

times when the public mind was less agitated than at present. All the purposes for which a man, by the writers on the law of nations, may emigrate to another country, may be accomplished without his throwing off his allegiance, and, in any event, making war against his own. By emigration, and being domiciled in a new country, a person may place himself in such a situation as to incur double or inconsistent duties ; but if he, thus situated, incurs any penalties, he is a subject for mercy ; but it does not alter the law.

But, sir, if the British impressing her subjects, who have been naturalized, is a cause of war, can it be just as it respects our own country, that ten of our native citizens should be sacrificed in trying to defend one of them ? We have already lost in a much greater proportion. If an answer could be rightly given in the affirmative, I say, to obtain justice by negociation, had not been fully and fairly tried. I shall not wade through an ocean of documents to show what does not exist, by showing what does. Any person who will take the trouble to read the letter from Lord Grenville to Mr. King, of the 7th of March, 1797, the instructions of Mr. Jefferson to Mr. Monroe, of the 5th of January, 1804, and of Mr. Madison to Messrs. Monroe and Pinkney, of May 17th, 1806, and the correspondence between Monroe and Pinkney and the British commissioners, and examine all the other documents in the executive department for twenty years past, will find, that a constant effort has been made, on the part of our enemy, to adjust all difficulties respecting impressment, upon terms consistent with her preserving the control of her citizens, without distressing ours, and that such terms have never been offered or yielded to them by our government. Impressment was not a cause of war when it was declared. The mischief existed in a much greater degree during the administration of Washington. It was considered by him as an evil of a nature not to be remedied by war. Surely no man better knew what was due to the honor or interest of his nation, than the father of his country, or was more ready to assert her claims. Since the rejection of the treaty made by Monroe and Pinkney, no attempt has been made to effect an arrangement respecting impressment. In the treaty with Mr. Erskine it was not noticed ; and in the communication from our Secretary of State to Mr. Adams, after war was declared, it is not mentioned. Is it possible that government can now seriously declare that a cause of such a nature, which has slept so long, and not even been the subject of negociation, was a justifiable cause of declaring war when we made the declaration ? Surely a government which, with such an extent of defenceless sea-coast ; with such an amount of property on the ocean unprotected ; with conflicting opinions among its citizens, would declare war against a nation which had the means of annoying us in the highest degree, must have a great avidity for shedding human blood, and must expect the curses and execrations of their suffering country. The blood of thousands cries to Heaven for vengeance against them.

No men ever more wanted what the celebrated Valdesso said—“ All military men, need a time for sober reflection before their death”—than those who involved this once happy country in war.

The feelings which gentlemen of the majority discover, as it respects war, in my mind, do no credit to their hearts. To obtain any object by negociation, and in a manner which ought to flatter the pride and honor of our country, does not seem to afford them any pleasure. The gentleman from Pennsylvania (Mr. Ingersoll) when endeavouring to support the position, that taking high ground, as it respected England, was the way to bring her to our feet, referred to the settlement of the affair of the Chesapeake. He spoke of that proud nation as having been brought to humble herself before us, by spirited measures on our part. In another part of the same address to this committee, instead of rejoicing at this event, he deeply regretted that Congress had not then been in session, that war might have been instantly declared. The habit of our nation was then feverish; her pulse then beat high, and he seemed to think we should then have fought with spirit. Can any gentleman wish to obtain by the sword what can be secured by negociation!! I desire to thank my GOD that he has not yet suffered such feelings generally to pervade the hearts of my countrymen.

If we had just cause of war, and negociation had been exhausted, the invasion of Canada is inhuman and barbarous: if successful, it has no tendency to put us in possession of our violated rights, or compensate us for our wrongs. The mischief which is done to the Canadians, is merely gratuitous; as much as the destruction of the property of a humble individual. The unoffending Canadians do not stand between us and our rights. Where a government places its citizens or subjects in that situation, the injured country must cut its way through them to the object to which it has a rightful claim. If the British government, by means of armed ships, invade our commercial rights, we are justified in destroying them, and the blood of her subjects will be on the heads of those who administer their government. Their destruction can be justified, because it is necessary to the attainment of a rightful object. This cannot be said as it respects the invasion of Canada. Even misrepresentation has not charged the innocent Canadians with indulging any feelings inimical to us, until acts of outrage were committed against them. All the wrongs which it is pretended we have received, result from the acts of the government to which they are subject, and in whose councils they have no voice. Foul, indeed, must be the robes of the magistrates of a country to justify washing them in the blood of its innocent subjects. The invasion of Canada is like storming an infirmary. The vanquished will be a present plague and future expense. Suppose the Canadas should be taken: will it do us any good, or our enemies any hurt? If they are to become a component part of the United States, and be admitted to all the privileges of freemen, we shall then have a motley mixture of citi-

zens, ignorant of their rights and of their duties, added to a population already too heterogeneous. If they are held as a conquered province, and considered as a colony, an armed force must be maintained to keep them in order; at the head of which some future Cæsar, or present Bonaparte, may overturn the government of our country.

The honorable Speaker is impressed, that the pride of England sets a value upon these possessions, and that the brilliant pages of her history will be tarnished by their loss; and that the memory of Wolfe, and his splendid victory over Montcalm, cannot, after these possessions are gone from her, be had in remembrance by the English nation with pleasure. These circumstances may make the purchase dear to us, but give the possession, when obtained, no additional value. If it has an artificial value to our enemy, it will be lost in our hands. Besides, can it be believed that Great Britain would sacrifice her maritime rights, or any principle which enables her to maintain them, to regain the possession of the Canadas, which have ever been an expense to her? Is it in man to believe that she would make a peace and cede the Canadas, and leave us in possession of the fisheries which were secured to us by the treaty of peace? The fisheries are of more importance to the United States than all the land between the Lakes and the North Pole. The wealth of the deep is inexhaustible. Fishing vessels are the cradles in which our most experienced seamen are rocked. But for them, instead of triumphing in the successes of our naval heroes, and passing resolutions of immortality to their memories, we might now have been mourning at their defeat, and weeping over their faded laurels.

But, sir, is the conquest of Canada to be effected? One honorable gentleman from South Carolina (Mr. Calhoun) has told us, when attempting to show that British power is less now than when struggling for existence and the freedom of the world, that it is not bone, and sinew, and muscle, that nerves the arm and makes powerful, but that it is motive and vigor of feeling which does it. Another honorable gentleman (the Speaker) has said, that British pride sets a high value on the Canadas. No honorable gentleman will say that the citizens of the United States, as it respects the conquest of Canada, feel the operations of the motives which, in the opinion of the gentleman (Mr. Calhoun) constitute power, when the states in the neighbourhood of the most powerful province will not move a finger to effect it, but reprobate the attempt in others. In this situation, what prospect can even these gentlemen have of obtaining the object of the war—the conquest of Canada?

A gentleman from Vermont presses the prosecution of the war for the conquest of the provinces, because it will be convenient to us to possess them, we now having too extensive a frontier. Is there no such thing, in the estimation of that gentleman, as national morality, or national justice? Are the rights of one nation to be measured by the wishes or wants of another? The gentle-

man's farm may be locked in by the lands of his neighbour, and he may want them ; but this will hardly justify him, in *furo conscientia*, in seizing them by force.

Believing as I do, that the invading of Canada is wrong, I cannot voluntarily aid in the unjust attempt to take it. If I were to give my vote for any measure, the object of which is to effectuate that end, I should offend against the present generation, posterity, my country, and my GOD. Considering the invasion as immoral, whether or not it has been unskilfully prosecuted, will make no difference with me, as to voting supplies. If the end is wrong, a skilful application of means to effect it, will not make it right.

On the subject of a navy for the general purposes of the nation, with no reference to the prosecution of the war in which we are engaged ; and as to the appropriations which we ought to afford the administration for the purpose of building a navy, I totally disagree with the honorable gentleman from Rhode Island, (Mr. Potter.) He seems to be impressed, that the only way to prevent all governments from engaging in war, is to deny them all the means of building ships or making any preparation for it. In this, however much I generally value and respect his opinions, I think he is quite erroneous. A government thus sparingly provided for, could do no more good to the people than a blind man in an empty house.

A naval force is our proper defence. If our liberties are to be preserved, and our commerce and common country defended, we must have one—It is indispensable. With such an extensive sea-coast a million of soldiers could not guard us at all points. American valor cannot operate where it is not. A foreign nation, predominant at sea, could apply their force, wherever we had none. The remarks of the gentleman from Tennessee, (Mr. Grundy,) as to making the war purely defensive on our inland frontier, apply with double force, as to our seaboard.

Our navy ought to be of such magnitude, as to make it an item in the accounts and considerations of the maritime powers of Europe. But to secure us respect on the ocean from all nations, it is not necessary that our naval force should be competent to coping with any one important European power. Suppose England and France were at war, each having their five hundred or any other number of ships of war, and the United States with only fifty ; if our rights were invaded by England, the consequence would be, that our weight would be thrown in the scale of her enemy, and there would be five hundred and fifty against five hundred. If France should trespass against us, our naval power would co-operate with England and the like inequality would be produced against France. So that, though their several force would greatly exceed ours, yet each belligerent, having a view to the force of their enemy, as well as to ours, would find it for their security to respect our rights. But if our naval force is so contemptible as to make us of no consideration in the estimation of

European nations, we shall ever be subject to their rapine and plunder, as often as they are belligerent, and we neutral.

"Free trade and sailor's rights" are the order of the day, at court and in the country; and gentlemen are so delighted with the sound, that they pay little regard to the substance. They seem to have taken for their maxim, as it respects sailor's rights, "all for love and the world well lost."

After the revocation of the orders in council, our commerce was under no restrictions from the British, excepting those which the rights of belligerents, by the law of nations, impose upon neutrals. We have been for so long a time at peace, while the European nations have been at war, that we seem to have forgotten that belligerents have any rights. But, however high we may hold our neutral rights, it is to be considered, when they are put in practice, they must admit some temperament and amicable compromise with the rights of others. Should it be our misfortune to continue in war, I think we shall be found to claim and exercise belligerent rights in as high a degree as any nation on earth. Already have our courts gone farther, in condemning property as a prize of war, than any of the decisions of Sir William Scott.

That free ships make free goods, or that the flag covers all which sails under it, is not the doctrine of the law of nations, and to have it so settled, is not less against our interest, than against the principles of international law. If a gentleman, who has his home, *not* on the mountain wave, but on the mountains themselves, had contended that this was or ought to be the law of nations, I should not have been much surprised. But that the gentleman from Pennsylvania, (Mr. Ingersoll,) who resides in one of the most flourishing commercial cities in the United States, and who every day must behold the abundant fruits of the principle, that free ships *do not* make free goods, should contend for it, is to me truly astonishing. Situated as we are, a world by ourselves, naturally, and under a wise administration, might be so politically, the mercantile nations of Europe, will probably be at war ten years, while we shall be but one. If free ships made free goods, the merchants of European belligerent nations would pursue their foreign commerce with their usual profits, only paying freight to a neutral carrier. In the business of carrying, we should have for rivals nations in Europe who, from the lower wages of their seamen and cheaper subsistence, would under work us. But if free ships do not make free goods, the consequence is, that the belligerent owner cannot ship his goods on his own account, but is obliged to sell to a neutral, who secures not only the freight, but the mercantile profit. In our country a great commercial capital is employed in foreign commerce, while those nations who have been our rivals in the carrying trade in the existing war between England and France, and probably will be in future wars, have little or none. Our merchants as purchasers having annihilated their rivals, have secured not only the mercantile profits, but

the profits of carrying. Immense wealth in our country is the fruit of the principle, that free ships do not make free goods. And if we must go to war, the interest of our country requires that we should fight in support of this principle rather than to effect an alteration.

The gentleman from Pennsylvania, contends that the laws of nations must be altered ; that articles contraband must be diminished, and the right of searching for enemies' goods limited and restrained ; and that neither the President of the United States, nor any future President ought to make peace until these changes are effected. Sir, is it for the interest of our country that these alterations in the laws of nations should take place ? In my mind it is not. But if it were, is it in our power to effect them ? Can we with our armed ships, so few in number that they cannot with all their heroism and valour defend our own ports, enforce a change in the law of nations, and give a new code to the world ? No, sir, there is something in this proposition beyond the dreams of madness.

Sir—I am one of those who never believed the causes alleged, to be the real causes of the war being declared. It is not in man to control his faith. We cannot believe without evidence, nor disbelieve against it. It is not to be believed that war for the protection of commerce and sailors' rights, could be forced upon the nation, by those who are not merchants, nor sailors, nor their relations, nor connections, against the prayers and entreaties of those who are. Nature has not changed, nor fathers and mothers in the Eastern states, "monsters proved." Miracles, or at least, something more than the declaration of the gentleman from South-Carolina, will be necessary to establish this to be fact. This gentleman, in the abundance of his candor and decent respect for the inhabitants of the Eastern states, supposes that such outrages have been committed against the right of sailors, as to furnish just cause of war, and that they are by the operation of party spirit so duped and blinded, as to be insensible to the feelings of humanity, and the sufferings of their brethren and kindred. This gentleman would do well to pause and consider how far party feelings, have affected himself.

They respect human flesh and blood, and the rights and liberties of men, as highly as any member in this House, and they will not condescend to take lessons in humanity from the people of any state in the Union.

The people of Massachusetts are not the inferiors of those of the state, which the gentleman has the honor to represent, in the public or private virtues ; nor in the knowledge of the true interest of their country, foreign or domestic ; nor in the proofs they have given of zeal and industry in its services, nor in any particular which calls for, and obtains the just considerations of the humane and enlightened.

There are but three suppositions, upon which I can account for war, being declared by our government against England, at the

time when it took place : each of which carry terror to our country, according to the views, which I have of its interests.

1st. That the Emperor of France, had an ascendency in the councils of our nation, from the fears, which he excited, or the hopes he inspired.

2d. That the views and designs of the administration, were, to destroy the commerce of the country, and make us purely an agricultural and manufacturing people.

3d. That it was intended by the administration, to change the form of our government.

In adducing the facts and evidence which operate on my mind, in favor of each supposition, I shall endeavor to avoid repeating that which has been laid before the committee, and remarked upon, by those who have preceded me in this debate, and shall advert to such auxiliary proofs only, as have occurred to me, and not been noticed by others.

The honorable chairman of the committee of Ways and Means, in the remarks which he submitted to the committee, made frequent allusions to the late President, Mr. Jefferson, and to his actions and opinions and those of others concerning him. It cannot therefore be amiss if I avail myself of his example.

I have long considered that gentleman as the champion of anti-federalism and democracy, as the main spring and soul of the party which now direct the destinies of our country. It is a fact well known, that he, long since predicted the predominance of French power, and the overthrow of England. England, it has been thought, could do little more than "gather up her garments that she might fall with decency."

With such impressions, the hope might have been indulged, though I think it would have proved vain, that French favors might be secured by subserviency to French power. To me, sir, the effects of French influence have been as visible in the measures of our government, since the commencement of Mr. Jefferson's presidency, as though they were written in sun beams. A few facts in addition to those which have been mentioned by other gentlemen, as evidence of French influence, will be suggested without much amplification or comment. After the commencement of the French revolution, the government of France, proclaimed the right of self government to exist in the people of all countries; and the inhabitants of St. Domingo were declared to be free. In 1806, the merchants of our country carried on a profitable commerce, with that Island, as they might lawfully do. Bonaparte then wanted "ships, colonies and commerce," and declared that a rebellion existed in that country, because they refused to submit to his power. Our administration finding the people of St. Domingo, in full possession and exercise of the powers of government, had a right to carry on commerce with them, without asking permission of the Emperor of France, or any other power.

A rap from the French minister, procured the passing of an act prohibiting this commerce, as promptly as a rap on your table

calls this house to order. In 1801—2, when the Spaniards were in alliance with the Emperor of France, the dupes of his artifices and the instruments of his power, N. Orleans, to which as a place of deposit we had a right by treaty, was occluded by them, and we were deprived of this right to our great injury. Spoliations upon our commerce, to a great amount, previously to this time, had been committed by the Spaniards, and compensation had been demanded and refused. It is a fact, which has frequently been alluded to by the majority in our debates, and not denied by me, to be true, that gentlemen prominent in the federal party, were for doing our country forcible justice. They were for seizing New-Orleans, and repossessing themselves of rights of which, in violation of good faith, they had been deprived. Upon this occasion, the Demosthenian eloquence of a Morris, was exerted with great force, in the first branch of our legislature, to excite them to vindicate and enforce our rights, but without effect. We were then told, that it was anti-republican, and against the genius of our government, to go to war for foreign conquest; that no consideration ought to induce the United States to go to war for fifty years.—The voice of complaints from our injured citizens, was heard by our government, but not regarded. The Spaniards were then the allies of the French; Spanish insults and injuries, were submitted to with tameness. Since the Spaniards commenced their struggle to rescue their country from French bondage, what has been the conduct of our government?—It has been reversed. Instead of manifesting that sympathy, which ought to have been excited, for a people, who were among the first to acknowledge our independence, and who were struggling for their own, our government assumed a hostile attitude. The minister of Spain, Mr. Onis was not accredited.

The policy of our government towards Spain, as it respects her American possession, let the members of the twelfth Congress explain what the world does not already know. In a contest like that between France and Spain, every man of sentiment must be a party with the latter. To me it is not a subject of indifference, whether Spain is governed by the monarch of her choice, or by a mere puppet of a king, who will always act in conformity to the views of the tyrant of Europe, the chief juggler behind the curtain. The sentiments of the gentleman from Georgia (Mr. Forsythe) upon this subject, in my mind, are not only very incorrect, but highly reprehensible.

The coincidence of the measures of our government, and those of France for many years past, must have been the effect of design and not of accident. Our embargo and non-intercourse laws, have comported exactly with the French continental system. Whatever has been prophesied in France, has come to pass here. The footsteps of Bonaparte, have been visible in all the paths of our government. The acts of insolence on the part of France, and submission on the part of our administration are without number.

The Emperor of the French assumed the right of interfering

in our municipal regulations, and in the details of acts passed by the legislature of our nation. Mr. Barlow, in his letter to Mr. Monroe, of the 16th of March, 1812, says—

“The Emperor did not like the bill we have seen before Congress, for admitting English goods contracted for before the non-importation law went into operation. I was questioned by the Duke of Bassano on the bill, with a good deal of point, when it first appeared; and I gave such clear and decided explanations as I thought, at that time, would remove all uneasiness. But I have since heard that the Emperor is not well pleased. If Congress had applied its relieving hand to individual cases only, and on personal petitions, it would have excited no suspicions.”

The conduct of Mr. Barlow, while minister in France, was warmly approved by the President. Is there nothing of French influence manifested in this transaction? Could any thing show it more clearly? Are the legislature of our country, in the hall of liberty, which we hear so often mentioned, to enquire whether “the Emperor likes a bill” before they pass it? Many of our meritorious citizens who were entitled to the consideration of our government would have been ruined, had they not been permitted to import goods contracted for, before the passing of the non-importation act. Not to have made a general provision, but to have driven them to a personal petition, would have been unjust and cruel to them, as well as base and servile in our government. Our minister submits to be “questioned with a good deal of point,” to make “explanations,” tried to remove “uneasiness” on the part of the Emperor, but after all this he, the Emperor, “was not well satisfied.” Had Champagny then told us, that with reference to France “we were less free” than the colony of Jamaica were, as it respects England, it would have been too true; and he might have added the other epithets which he applied to us, on another occasion, that we were “without honor and without energy.”

As it respects the Berlin and Milan decrees, our government submitted to take the lead in changing the state of things between the two countries, when by a solemn act of legislation, we had committed ourselves on the subject of France being in the wrong, and bound to take the first step. Insults to our national honor and injuries to our national interest have been submitted to patiently, when France has been the aggressor. But thank God, we have reason to hope there is an end of the excess of French power, and that French influence in our councils will cease with it.

2d. That the views and designs of the government were to destroy the commerce of the country, much internal evidence arises from the measures which they adopted. The Embargo was a perpetual law. Against the will of the President and little more than one third of the Senate, it could not be repealed, and commerce revived. War was declared, without such indications to our commercial citizens as would induce them to bring home their property from abroad. The non-intercourse law was continued, which put it out of their power to withdraw their funds from the

enemy's country. Every thing which was done or omitted, was calculated to destroy our merchants and commercial capital. The gentleman to whom I have alluded, as the leader of the dominant party, is the enemy of commerce; considers great cities, the concomitant of commerce, as "great sores" on the body politic, and the tilters of the earth as GOD's chosen people. He wishes to see the agriculturist and the mechanic by the side of each other, and that the place which now knows merchants should know them no more.

Sd. That it was intended by the administration to change the form of government.

In the letter of Mr. Jefferson to Mazie, the ties of our government were spoken of as Liliputian, and inadequate to the exigencies of our country. I believe this impression prevails with many gentlemen high in the consideration of that class of the people, who now constitute the majority. If they believe that our government is too feeble, that its ties are Liliputian, would it not be in course that they would attempt to make them stronger? If such were their design, what course could have been taken more apt than the one pursued? If I were one of the administration, and this end was in view, no means better adapted to that end could present themselves. A military force would be indispensable. A naval one would not answer. A hundred thousand seamen would not endanger the liberties of this country, or assist in overturning the government, in as great a degree as one half the army would, which this appropriation is designed to raise and supply. To raise an armed force has ever been the favorite measure of those who have meditated a revolution in their country. When I see a man or a party of men, treading in the footsteps of those who have gone before them, I conclude that they aim at, and will arrive at the same end. What better pretext could be furnished for raising an army, than a war with England and an invasion of Canada? When the idea prevailed that the conquest of Canada was to be the work of but a few short days, it was generally said, by the friends of administration, and often by men holding high ranks in the army, that from the conquest of Canada they would return and put down federal opposition. All opposition could easily be called by this name, and be subjected to the same fate. If the object of the war, was free trade and sailors' rights, the seat of it would be on the ocean, where they are violated. Instead of expending millions upon the land to no purpose, we should have employed our funds in building ships to meet our enemy on the ocean, where she alone can be met to any effect. Can any measure be more preposterous than attempting to enforce your rights on the ocean by attacking a detached, unimportant territory, which, if taken, would not distress your enemy, or compel her to do justice? No man can believe, that if Canada was taken, our enemy would abandon the principle for which she contends. We must then, in order to enforce what is considered the rights of naturalized seamen, resort to the ocean at last. A war must

be waged which would be interminable, or end possibly in our defeat and disgrace ; our sea coasts be laid waste ; thousands of our citizens slain, and tens of thousands reduced to poverty and wretchedness. No administration would subject our country to all the miseries of this war, for no other purpose than the vindication of the rights of naturalized seamen, when out of the jurisdiction of the government of our country. Some other object must have been in view.

These apprehensions may be viewed as the vagaries or wanderings of a jealous, perhaps, distempered mind. But, to them, who think there is no danger, it may be observed, that the moment of security is the most fatal. All the Republics, which have gone before us, have lost their liberties, and the people, ever honest, and believing their deceivers to be so, have prepared the shackles for themselves. I fear we, like them, shall not see our danger, until it is too late to avert it. May we learn wisdom from what they have suffered. From the declaration of this war, unless peace is the fruit of the pending negociation, I fear the downfall of American liberty may be dated. I do not, sir, believe, that the majority apprehend, that they are ministering to such an end. But I ask gentlemen to consider, what has taken place in our time, and what they have read in the history of other times. We have seen the legislature of France, turned out of the Hall of Liberty, by a military force, which, it had nurtured and established. We have read in history, that the same was done in England, in the days of Cromwell. However secure gentlemen may feel in their seats, it is not impossible they may witness the reaction of the same scenes here, and that the military force, which, they now vote to raise, without being able to render any reason, may ere long put an end to their existence as legislators. Executive patronage and executive influence, are truly alarming. Important military bills and other bills deeply affecting the rights of persons, are passed into laws, without amendment or alteration, against unanswerable reasons, why they ought not to pass, merely because the Executive, or the Head of a department has suggested, that they were necessary, without assigning any reason why they are so.

I have been not a little amused at the inconsistency of the grounds taken, and the remarks made, by different gentlemen of the majority, who have taken a part in the debate on this and its kindred bills. The gentleman from Virginia (Mr. Nelson) in speaking of the British orders in council remarked, that under them our commerce had been swept from the ocean ; and one would have supposed, from his suggestions, that of our many ships which went to sea, but few escaped. No vessels were the subject of the operation of these orders, excepting those which were bound to France. Another gentleman from South-Carolina (Mr. Lowndes) has undertaken to show, that the British ministry do not properly appreciate the right of impressment, and that the exercise of it, on the high seas is of no importance to them ; that almost the whole commerce of this country is directly with England,

and that of course, taking her seamen in her own ports, and in the narrow seas, furnishes her with all the chance to repossess herself of them, which she would have if she exercised the right of taking them on the high seas, and thereby exposed our ships to great and unnecessary risque. I shall leave these gentlemen to settle which is wrong, or to show, if they can, that both are right. How the whole, or almost the whole, commerce of our country has been swept from the ocean on its way to France, when it is not destined to go there, but almost exclusively to England, it is difficult for me to conceive !

Much has been said upon the subject of opposition, on the part of the minority, to the will and the measures of the majority ; and we have been admonished to pause and consider the dangerous consequences which must result. Sir, an opposition to wrong measures is always right, and it ought to be continued while those measures are persevered in. Some gentlemen, apparently wishing for a union of parties, have invited the minority to coalesce. Sir, no man more cordially wishes an end of party distinctions than I do. There is something in the pride and obstinacy of party spirit which wars against the public good. It is my wish that it was annihilated. When Mr Jefferson's inaugural speech appeared, I was delighted. I had the pleasing impression, that although he had got into power, by bringing into disrepute men whom I esteemed more highly than himself, yet, now he was in place, he would administer the government as his speech indicated, and ought to have support. Would to GOD it had been so. If gentlemen of the majority wish for a coalition, I ask them to consider that we differ no more from them, than they do from us ; that it is easier to pass from wrong to right, and from error to truth, than the reverse. Are gentlemen of the majority sure they are right ? Have the minority no claims to their consideration ? By their fruits all men and all parties are known. Let federal and what is called republican measures be tested by this, the fairest of all rules. During the presidency of Washington, the administration of the government of our country was attended with embarrassments and difficulties, greater than have been known, at any period of her history. He had to steer our ship on the margin of whirlpools. Let any man look into his own circumstances and prospects, and those of his neighbors then, and at this time, and what a deterioration he will find has taken place ! let him look into the affairs of our country, and what an awful reverse ! From a proud eminence he will find we have been strangely precipitated, without necessity or apology, into the depths of poverty and disgrace. When I reflect what my country might have been, had she availed herself of her advantages and resources, and applied them properly ; and, when I consider what she now is, my patience is exhausted ; my indignation cannot be restrained.

It is supposed by gentlemen that the object of the opposition is to oust the present incumbents from power, and get into place themselves. Whatever intemperate expressions may have been

uttered by ardent men, tending to excite such a belief, I can say with great sincerity, with the gentleman from Virginia (Mr. Sheffey) I have no such views nor warm wishes; nor do I believe that it enters into "the scope of the policy" of those whom I have the honor immediately to represent. Let us have a government purely American; a government by which the power of the whole will be exerted to preserve the rights and protect the interest of all the parts, and we care not, what Americans administer it. When this is not the case, a government is the worst of factions. In the Eastern states; we have too much reason to say "such things are." In the course of debate, many unfounded charges of propensity to rebellion have been made against the citizens of Massachusetts. But with all the examples of rebellion which she has had, sct her, resistance does not enter into her policy; though a temperate, manly, determined spirit, will not on any public occasion be wanting. Nothing but the extreme of suffering and a thorough conviction that the purposes, for which, government is instituted, cannot be obtained, will drive her to resistance. They have been charged with a design to sever the Union, and insinuations of this description, have issued from a quarter, whence they were little to have been expected. Sir, let suggestions, and intimations, of this kind, be propagated by whom they will, in what manner they may be, and for whatever purpose, I feel it my duty to repel them, as unjust and unfounded. Such are not the views of the federalists of Massachusetts. They cling to the Union, as the rock of their salvation, and will die in defence of it, provided they have an equality of benefits. But every thing has its "hitherto." There is a point, beyond which, submission would be a crime. GOD grant, that we may never arrive at this point.

Allusions have often been had in the course of this debate, to the temper and feeling of the people, and state of party in Massachusetts, and gentlemen have, with much composure and philosophy viewed and compared their strength, and inferences have been drawn against the success of those who have been driven almost to resistance. The gentleman from Georgia (Mr. Forsythe) seems to suppose, that the people of the Southern states, in the event of an explosion in the Eastern, would have nothing to do, but stand by with composure, and witness the destruction of that party, who are the opposers of the prosecution of the war. Instead of contemplating this subject, with the coldness of the gentleman, I turn from it with horror. A contest once begun, GOD only can tell how or when it would end. All parts of the United States will be involved in one common fate; and it deserves some consideration from that gentleman, that victory, in the history of the world has never travelled to the North. If the gentleman properly appreciated the effects of such remarks, if he regards the peace and prosperity of the country, he would suppress them. When a pile is prepared and a train laid, it requires but little to kindle it, and cause an explosion. Such are the character of the laws, which have been enacted, and the temper and spirit with

which they have been passed, as to create great excitement. Statutes, which consign to poverty and ruin, thousands of people, are enacted, apparently, without remorse or regret. Insult added to injury, will not long be endured.

The disappointments and the suffering of the citizens of Massachusetts have been great, and they have been borne with a patience, without example in the U. States. No oppression is so heavy as that which is inflicted by the perversion or exorbitancy of legal authority. They who pretend to no right, but rely on force, by force may be repelled and punished. But when plunder bears the name of legal seizure, and robbery is perpetrated by judicial sentence, though virtue and patriotism may shrink from an alliance with rebellion, for a time, yet the oppressor will not always be secure in the robes of the magistrate. The natural consequence of injury is resentment, and a disregard of right often produces a resistance to right itself.

Two of my colleagues who have preceded me, in this debate, having noticed the obnoxious allusions to my worthy predecessor, I shall content myself with remarking, that his integrity, his domestic and private virtues, and his patriotism and public character are such, as to place him beyond the reach of slander, or the need of praise; and I shall leave the public to judge, whether he, or the gentleman from Georgia, (Mr. Forsyth) who made an attack upon him in his absence, best merit the epithet, "recreant spirit," which he applied.*

* Mr. Forsyth, in his speech, used the term "recreant spirit," which it was understood, by many gentlemen, he meant to apply to Mr. Quiney. Mr. Forsyth, in his explanation, said he made no such application.

MR. GASTON'S SPEECH,

UPON THE LOAN BILL.

Delivered in the House of Representatives, in committee of the whole, on the 18th and 19th of February, 1814, on the motion to fill the blank with twenty-five millions of dollars.

MR. CHAIRMAN,

I FEAR I am about to engage in a very injudicious attempt—I fear that the patience of the committee is exhausted, and that it would be idle to hope for their attention. It was originally my wish to claim their notice at an early stage of the debate; but I found this wish was not to be effected but by a competition for the floor, and I thought such a competition not justified by the nature of the remarks which I had to submit. Under these impressions I had made up my mind to wait until some favorable, unoccupied

interval should be presented ; and I should not now have presumed to anticipate other gentlemen who seem disposed to address you, but for some extraordinary observations which have just been uttered, and which, in my opinion, demand immediate animadversion.

The gentleman from Tennessee, who has this moment resumed his seat, (Mr. Grundy) seems a little sore that his doctrine of Moral Treason, which he promulgated at the last session, should have been so vehemently oppugned by the persons for whose benefit he had compiled it. I am not of the number of those, Mr. Chairman, who have deemed this doctrine worthy of examination. As originally understood, it was so preposterous and so repugnant to the principles of our constitution, that every intelligent freeman found its refutation in the consciousness of his own liberty. By subsequent explanations and definitions, it has been so attenuated and subtilized, that what was never very distinct, now almost eludes perception. According to the last attempt at exposition, if it have any meaning, it would seem to embrace systematic efforts to persuade capitalists not to lend money, and the unthinking youth not to enlist as soldiers to carry on the war against Canada. His denunciations of such a *system*—of the existence of which I know nothing ; and which, if it exist, is innocent or criminal according to the motives from which it springs —pass by me altogether unheeded. But his unfounded imputations upon some of the best men and truest patriots of the country ; and his attempt to support his doctrine by *their* example ought to be repelled, and a very short notice will suffice for that purpose.

The gentleman has referred to the act of 14th July, 1798, the much misrepresented and abused sedition law. It is difficult for me to express my astonishment at the construction which he affixes to the first section of this act. Need we wonder at any error, however gross, at any prejudice, however irrational, prevailing in respect to party measures and party opinions, when we find a professional gentleman assigning to a law a meaning which, but for what we have heard, would have been pronounced impossible on the part of any man of ordinary good sense ? The first section of this law declares, that if any persons shall conspire together, with intent to *oppose* any measures of the government of the U. States, and in pursuance of such intent shall counsel, or attempt to procure, *insurrections, riots, &c.* they shall be deemed guilty of a misdemeanor punishable by fine and imprisonment. Can it be necessary to ask what was meant in this law by the expression “with intent to *oppose* any measures of the government ?” To oppose, in its plain original sense, necessarily implies physical resistance—the exercise of *force*. It is metaphorically used, indeed, to signify dissuasion, as the word to combat is applied to denote a controversy in argument ; and a law prohibiting single combats might as well be interpreted to forbid controversies in discourse, as a law prohibiting opposition to the measures of government construed to interdict the expression of honest opinions

that may retard their operations. But the act is still more explicit. To constitute crime, it requires not only that the persons should combine "with intent to oppose the measures of government," but that in pursuance of such intent they should proceed to "counsel or attempt to procure insurrections, riots," &c. The design of the act is unequivocal—it is to check and punish incipient *treason*, before it has manifested itself in actual war against the nation. It was altogether unnecessary, if there had been any common law applicable in the courts of the United States; for in every government under Heaven, the acts which it describes are made punishable. A doubt whether the common law had a federal existence, alone occasioned the passing of the law. Yet we are gravely asked if, in the year 1798, men had combined together to dissuade persons from lending money to the government, or from enlisting in the army; whether they could not have been punished under this law? No, sir—No, sir. There was not a prosecuting officer in the United States so ignorant of his duty, as to dare to bring forward an indictment upon such a pretext.

To the next section of this abused act, the gentleman has given an interpretation as destitute of plausibility, even as his exposition of the first section. To find a warrant for his doctrine of moral treason, or to lessen its odium by casting reproach on others, the gentleman has charged, that this section subjected to indictment and punishment the publication of scandalous and malicious writings against the government *although they might be true*—and that had it not been for the third section of the act, which his predecessor moved in the House of Representatives after the bill had passed the Senate, the *truth* would have afforded no defence on an indictment for a libel against the government. Sir, this position is utterly untenable—No part of it is true. The gentleman must be presumed to know, and ought to recollect, that when an offence is created by statute, every word of the description of the offence is material and essential. What are the words describing the offence? "If any person shall write, print, or publish any *false*, scandalous and malicious writing against the government, &c." It is a necessary part of the offence that the writing should be *false*. If it be not *false*, then the crime has not been committed, the law has not been broken, and punishment cannot be inflicted. Why then, I may be asked, was the third section, moved by the gentleman's predecessor, inserted in the law? The answer is, to avoid all cavil, all real or pretended doubt, all foundation for the charge that would have been made had it been rejected. It might have been pretended, that as on an indictment for libel at common law, the truth or falsehood of the charge was not a matter of inquiry before the jury, so on an indictment for libel under this act, notwithstanding its plain words, the falsehood of the publication was not material to constitute the offence; and had the proposed amendment been rejected, from the specimen we have this day had of the course of legal thinking of one of the bar of Tennessee, there is a moral certainty that the law would have been

there stigmatized as designed to prohibit the publication of truth.. To adopt the amendment, removed all pretext for such a misrepresentation. It was accordingly incorporated into the law ; and to shew that it was not introductory of any *new* principle, it was expressed as declaratory of the preceding section, " And be it enacted and declared, that it shall be lawful for the defendant, on trial, to give in evidence, in his defence, *the truth* of the matter charged as a libel." No, sir—The idea of punishing *truth*, when published against the officers of the government, was reserved until more recent times—until the abused sedition law had expired, and the champions of a free press were safely fixed in power.—Surely the gentleman has not been so inattentive to the course of public proceedings, as never to have heard of the case of Harry Croswell. He for an alleged libel on Mr. Jefferson, was indicted at common law, not under the horrible sedition act ; he was not permitted to prove the truth of his publication, and was thus convicted !

I have done, sir, with the gentleman from Tennessee, his moral treason, and his exposition of the sedition law—and will endeavor to call your attention to subjects not altogether so foreign from the bill upon the table. The object of the bill is to authorise a loan to the government of the United States. The precise proposition before you is to declare what sum shall be borrowed ;—" twenty-five millions of dollars."—Enormous as is the addition which is thus proposed to be made to our debts, could it be shewn to be necessary to accomplish any purposes demanded by the honor and welfare of the country, it assuredly would meet with no opposition from me. Is a loan wanted, or revenue required to enable the government to pay off its just engagements ? to give security and protection to any part of our territory, or any portion of our citizens ? to afford to our gallant navy, (that precious relict of better days) such encouragement and extension as may enable it more effectually to vindicate our rights on the element where they have been assailed ? My voice and assistance shall be cheerfully rendered to obtain them. Let the present proposition be withdrawn, and let it be moved to fill the blank with such sum as shall be adequate to supply any deficiency of revenue wanted for these purposes, and I will second the motion. Nay, sir, should the present proposition be rejected, (for while it is pending, a smaller sum cannot be moved) and none of those who are most conversant with the state of our finances, should come forward with a further proposition, I will myself undertake to move the sum which shall appear competent to effect all these objects. But, sir, this enormous sum is wanted not for these purposes : it is avowedly not necessary, except to carry on the scheme of invasion and conquest against the Canadas. To this scheme I have never been a friend ; but to its prosecution *now*, I have invincible objections, founded on considerations of justice, humanity and national policy. These objections I wish to explain and enforce, and thus avail myself of an opportunity of discussing some of the most interesting topics

which grow out of the alarming state of the nation. I fear that all I can do will avail nothing : but, sir, representing a respectable portion of the American people who are suffering with peculiar severity from the pressure of this unfortunate and mismanaged war ; who, with me, believe no good is to grow out of it, and who apprehend, from its continuance, evils, compared with which all they have yet suffered are but trifles light as air—I should be unfaithful to them and myself if I did not interpose my best efforts to arrest the downhill career of ruin. In performing this duty, I shall certainly say the things I do think. Endeavoring to use such language only as is consistent with self-respect and decency towards those who differ from me in opinion, I mean freely to excise the right which belongs to my station.

Right ! did I say, sir ? The expression is inaccurate ; once indeed there did exist in this house the *right* of free discussion. It was once deemed a constitutional privilege for every member to bring forward any proposition he deemed beneficial to the country, and support it by whatever arguments he could adduce ; to offer amendments to the propositions of others, so as to render them, in his judgment, more unexceptionable ; and to state the reasons of his dissent from any measure on which he was called to vote, and endeavor to impress his opinion on others. No doubt a vast portion of the good people of this republic yet believe that such is the course of proceedings here. Little do they dream of the complicated machinery, by means of which every privilege, except that of thinking, is made to depend on the pleasure, the courtesy, the whim of the majority.—By certain interpolations into our practice, but which no where shew their hideous front in our written code, the system of suppressing the liberty of speech is brought to a degree of perfection that almost astonishes its authors. A gentleman wishes to bring forward an original proposition—He must first state it, and obtain *permission* from a majority of the house, to let it be *considered*, before he can shew the propriety of adopting it, or ask even for a decision upon it. Thus is annihilated the *right* of originating a proposition. But a proposition is originated by others, it is passed through the ordeal of consideration, and he is desirous of amending its defects, or of exposing its impropriety. This is, perhaps, deemed inconvenient by the majority. It may give them trouble, or bring forward a discussion which they do not wish the people to hear, or detain them too long from their dinners—a new species of legerdemain is resorted to. The previous question, utterly perverted from its original and legitimate use, is demanded ; the demand is supported by a majority. In an instant all the proposed amendments disappear ; every tongue is so fettered, that it can utter but aye or no, and the proposition becomes a law without deliberation, without correction, and without debate. And this process is called legislation ! And the hall in which these goodly doings are transacted is sometimes termed the Temple of Liberty ! Sir, this procedure must be corrected, or freedom is ejected from her citadel, and wounded in her very vitals. Incon-

veniences also result to the *majority* from this tyrannical exercise of power, sufficient, perhaps, to counterbalance all the benefits which can be derived from it. Gentlemen often complain that the minority do not pursue the practice which is adopted by minorities elsewhere. In England, say they, the opposition address the house and the nation only on great fundamental questions involving disputed principles, and do not hang on the skirts of every bill fighting the ministry, through all the details of their measures. Why is not the same course pursued here? The answer is obvious. Here the minority are not allowed to bring forward these great fundamental questions—they have no opportunity of shewing their views, except such as may be casually afforded by some measure of the majority, on which they are good natured enough to allow debate. Unless they avail themselves of such a bill in every stage of it, as a peg on which to hang their observations, they must be utterly mute. Thus it happens too, that there is frequently not any discernible connection between the topics discussed, and the subject supposed to be under debate. Perhaps the very course I am pursuing is an apt illustration of these facts. Some weeks since I submitted to the House a resolution which I thought eminently deserving of attention—a resolution “that pending our negociation with G. Britain, it is inexpedient to prosecute a war of invasion and conquest against the Canadas.” This resolution could not be discussed, for the House would not vouchsafe to it a consideration. But, as on the proposition now before you, debate is indulged, and has assumed a latitude that seems to permit every thing connected with the war, I am willing to embrace the occasion to support my favorite proposition, to which a regular hearing has been refused. Grateful even for this opportunity, I acknowledge the courtesy which is shewn me by the majority; sorely as I feel the degradation of indirectly using as a favor what, as a freeman and the representative of freemen, I ought openly to enjoy as a right.

It is very far from my design to enter into a particular inquiry as to the origin of this war, or as to its causes whether *technical* or *real*. Such an inquiry would present a theme too important and too extensive to be taken up as collateral or subsidiary to some other investigation. At the present moment too, it is not so essential to know how this war has been produced, as it is to ascertain how it ought to be prosecuted, and how it may be speedily and fairly brought to a close—So far only as a knowledge of the origin and causes of this war may be useful in producing this result, is it my purpose now to consider them.

An honorable gentleman from South Carolina (Mr. Calhoun) claims for this war the character of defensive. He has properly remarked that a war defensive in its origin may be offensive in its operations, and of consequence that its character is not defined by the nature of these operations. But, sir, he is incorrect in supposing that its character is to be tested by the *motive* which occasioned its institution. War is offensive or defensive, simply as it is

instituted by or against a nation. It is an appeal to force to decide controversies between sovereigns who admit of no other tribunal to determine their rights. There is a perfect analogy in this respect between nations at war, and individuals litigating in a court of justice. He who commences the process is the actor—He who is summoned to the controversy, has the defensive part, and it is in this view immaterial whether the motive to litigation be found in an honest desire to claim what is due, or in the malignant wish to oppress and defraud. For the correctness of these ideas, I rely not on my own judgment. This ought not without hesitation to be opposed to that of the honorable gentleman who, independently of his personal claims to attention, as chairman of the committee of foreign relations, must be presumed to be particularly conversant with all questions connected with national law. Any person who has the curiosity to test these sentiments by the authority of jurists will find them explicitly recognized by Burlamaqui vol. 2. part 4. chapt. 3. §. 5. and by Vattel—b. 3. chapt. 3. §. 35 and 37.

Nor let it be deemed, sir, of no importance whether this war be called defensive or offensive. It is always of moment that things should be called by their right names. Many of the vices and most of the errors of men arise from the misapplication of terms. The reasoner, who uses words to convey a meaning variant from their received signification, will probably occasion error, however precise his definitions. In spite of definitions, the hearer appropriates to his expressions the sense which usage has associated, and a confusion of ideas fatal to truth is the unavoidable consequence. Many phrases too, besides their primary meaning convey a secondary sense of commendation or blame. By an artful use of these, the sophist is enabled to convert the honest prejudices of man, the guards of his security, into the instruments of his deception. The sagacious Mirabeau, than whom none better understood the arts which render the human understanding and passions subservient to the tyranny of fraud, he who so long “rode in the whirlwind, and directed the storm” of the most furious of revolutions ; compressed the elements of his science into one sententious maxim “words are things.” But the distinction between offensive and defensive war has peculiar claims upon our recollection. So fatal is war to the best interests of the human family, that a tremendous responsibility always rests upon the nation that commences it. This responsibility attaches through all its stages, and is awfully increased into certain guilt, by the neglect of any fair opportunity to restore the relations of peace. Besides, the consideration that the war was offensive in its origin—that consideration which emphatically creates the obligation to terminate its horrors as speedily as justice will permit—will frequently be found to present the greatest obstacles to efforts at reconciliation.

The advocates for this war, vying with each other in zeal for its justification and continuance, do not precisely agree in opinion, as to its causes, or as to the objects for which it is to be pros-

ecuted. The gentleman from Pennsylvania who presides over your judiciary committee (Mr. Ingersoll) in an elaborate argument seems desirous to prove (I am not certain which) either that the war is a consequence of the violation on the part of Great Britain of his favourite principle "free ships make free goods," or is to result in the establishment of this principle. This comprehensive dogma the gentleman contends to be a part of the original unadulterated code of national law, consecrated by the treaty of Utretcht, strenuously asserted by Britain herself in her dispute with Spain, in the year 1737, recognised in her commercial treaty with France, in 1786, and vitally essential to our maritime interests. The gentleman from Virginia whom I yesterday heard with much pleasure (Mr. Jackson) dissents from his political friend and declares that this maxim has never been asserted by our government under any administration as founded on the common law of nations. Although the gentleman from Virginia is in this respect, unquestionably correct, yet it is not certain that the chairman of the judiciary committee is altogether erroneous in attributing to the administration an expectation of establishing by this war some such theory. That the neutral flag shall protect all that it covers from capture, is a very convenient doctrine for a nation frequently at war with an adversary of decidedly superior maritime strength. France who, with occasional short intervals, has been for centuries at war with England, has very naturally wished to incorporate this doctrine into the law of nations. Her imperial master has adopted it as one of the elementary principles of his new maritime code, which he solemnly promulgated in his decree of Berlin, of November, 1806, and in support of which he has used every violence and stratagem to array the nations of the world into one great maritime confederacy. At least, as early as the infamous Turreau letter of June, 1809, the executive of this country was perfectly apprised of the existence of such a confederacy, of the purposes which it was to uphold, and of the determination of France to bribe or compel our accession to it. The decree of the great protector of the confederacy, of the date of April, 1811, though probably not issued till May, 1812, announced in language sufficiently distinct that this claim had been so far complied with on our part as to exempt us from the further application of the penalties of disobedience—And our declaration of war against the sole recusant of imperial theory was proclaimed by Napoleon to his Senate as a spirited and generous exertion to vindicate the new religion of the flag, which, like the superstition of the sanctuary, was to protect every fraud, and shelter every crime. Extravagant therefore, as the positions of the gentleman from Pennsylvania may be thought by the far greater part of this committee, they may have more countenance from the administration than is generally suspected, and on this account may deserve a rapid and transient examination. The assertion, that by the general law of nations the character of the vessel gives a character to the goods is unequivocally denied. The actual reverse

of the assertion is maintained by jurists generally with a harmony that forbids doubt.

Instead of detailing their opinions separately, permit me to give the language of one who wished well to the gentleman's doctrine, who had often carefully explored the musty volumes of national law, and who was never apt to carry his admissions beyond the line which candor prescribed. Mr. Jefferson in his letter to Genet, of 24th July, 1793, expresses himself thus, "I believe it cannot be doubted but that by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port, and detained under pretence of having enemy's goods on board, have in many instances, introduced another principle *between them*, that enemy bottoms shall make enemy goods, and that friendly bottoms shall make friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain or loss—but this is *altogether the effect of particular treaty controlling in special cases the general principles of the law of nations, and therefore taking effect between such nations only as have agreed to control it.*" If the gentleman will examine the treaties to which he has adverted, the commercial treaty of Utrecht, between England and France (which by the bye the house of commons refused to sanction) and the subsequent commercial treaty of Mr. Pitt, in 1786, he will find the language on this head unequivocal. The arrangement is declared to be made with a view to prevent the embarrassments and dissensions that would arise without such an arrangement—or in other words, from the application of the principles of the common law of nations. Nor is it at all strange that Britain in a commercial treaty, from which she expected to derive immense advantages, should acquiesce in such an arrangement as between her and France. For it is obvious that no practical effect could result from it, except when one was at peace and the other at war. And such a state of things has so rarely happened that its recurrence might be numbered among political impossibilities.

The "no search" clamor in England of 1737, which the gentleman has produced the parliamentary debates to prove, had about as much to do with the belligerent right to capture enemy's property conveyed in neutral ships, as the "no search" cry made about thirty years afterwards in the case of John Wilkes and General Warrants. The dispute of 1737 with Spain grew out of a *municipal* claim asserted by that government and of the rigorous practice of their *Guardia Costas* to search British vessels hovering on the coasts of the Spanish colonies for prohibited articles designed to be smuggled into them—A claim said to be repugnant to the treaty of Seville, and certainly very inconvenient to the illicit trade between Jamaica and the Spanish Main—and a practice enforced with all that barbarity which usually characterises the minions of

custom-house and revenue tyrants. How far the establishment of the gentleman's project would be beneficial to this country is perhaps not so clear. At a time when we had no capital to afford employment to our navigation, it certainly would have been advantageous. But since that period has passed away, the most enlightened commercial men will tell you, they wish for no such innovation. Its effect would be, to give us, when neutrals, the benefit of being among the carriers of the commodities of the weaker maritime belligerent, for *freight*. But the effect of the old principle is to give us the profit which results, not merely from the carriage, but the purchase and re-sale of these commodities, with almost a monopoly in either market.

The gentleman from Pennsylvania has assigned another cause for the war, in which he has obtained the concurrence of several of his friends—the instigation, by the British government, of Indian wars.—Although, sir, this theme of popular declamation has almost become trite ; although the tomahawk and the scalping knife have been so often brandished with rhetorical ami-dexterity, that their exhibition almost ceases to excite interest ; yet far be it from me to think or speak lightly of the cruelties of savage warfare, or to conceal my utter abhorrence and detestation of them. But it is a different, a very different question, whether the Canadians have armed the Indians to join in defence against a common *invader*, or had, previously to war, instigated them to hostilities against us. This *last* charge I do not believe—no evidence has been given to warrant it, that I have yet heard. Over the affair of Tippecanoe, the commencement of Indian war, there hovers a mystery which ought to be dissipated, but which the government will not dispel. I have sought, honestly sought for information. Of official there is a little or none. From private sources, not likely, in this respect, to mislead, (for they are friendly to this war, and connected with the western interest and feeling) I learn that the great cause of Indian hostilities is to be found, where experience and history would prompt us to look for it—is to be found in our cupidity for their lands, and their jealousy and distrust of our superior intelligence and force. Indian wars have been, until a few years back, almost uninterrupted in this country, both before and since the revolution. They need no other instigations than are to be found in the inconsistent views, interests, claims, passions and habits of neighboring yet distinct races of people. Sir, General Harrison's treaty of Nov. 1809, was the mine of the great Indian explosion. The Indians complained, I know not how justly, that in that treaty they were cheated of lands which the parties to it had no right to convey, and never meant to convey. There are gentlemen in this legislature who know that Tecumseh immediately afterwards avowed his fixed purpose to vindicate by force and by an union of the red men the rights of his tribe and the manaced independence of the whole race. And we all know (the fact is on record) that shortly after this treaty the British governor general of Canada caused it to be officially

communicated to the government of the United States that the Indians were meditating hostile designs. Sir, the holy command "thou shalt not bear false witness against thy neighbour" applies even to an enemy I will not sanction this charge without evidence, and against evidence, lest I violate this high injunction. I am not a disciple of that new moral school which would construe this divine prohibition, as the gentleman from Tennessee (Mr. Grundy) has expounded the commandment, "Thou shalt not kill," as a "mere municipal regulation applying solely to the Jews!"

But this war, say its advocates, nearly one and all, was declared to protect our seamen against impressment, in fashionable phrase, "for Sailors' Rights." There is no doubt, sir, that the conflicting claims of the two countries on the subject of seamen, and the occasional abuse of the practice of search for British seamen on board of American merchantmen, had excited serious dissatisfaction in America—yet I hazard nothing by the assertion, that the question of seamen was not a cause of this war. I remember full well the characteristic special pleading of the gentleman from Tennessee on this subject, at the last session, "that he really could not tell whether, if the orders in council had been repealed, we should have gone to war about seamen or not"—but, sir, I consider this as little more or less than adherence to a cautious form, as a protestando by way of excluding a conclusion, or in the nature of the commencement of an answer to a bill in chancery, in which the defendant takes care to save to himself now, and at all times hereafter, all, and all manner of benefit of exception to the errors that may be discovered in complainant's allegations. I am aware, too, of the very conspicuous blazon which is given to our sailors' wrongs in the President's war-message, and in the manifesto of the committee of foreign relations. But this proves no more, than that when war was determined on, it was deemed adviseable to make out as strong a case as possible, either to excite the sympathy of the world, or to rouse the indiguation of our own citizens. The impressment of our seamen was grouped in the picture with the dearly bought Henry plot; the, at last dubious excitement of Indian hostilities, and the adjusted controversy about constructive blockades.

No, sir, the question of seamen was not a cause of this war. More than five years had passed over since an arrangement on this question, perfectly satisfactory to our ministers, had been made with Great Britain; but it pleased not the President and was rejected. Yet during the whole period that afterwards elapsed until the declaration of war, no second effort was made to adjust this cause of controversy. From December, 1807, with very short intervals we waged against Britain a commercial war to coerce her into an observance of the rights we claimed at her hands. In every step of this system, whether embargo, non-intercourse, or non-importation, we avowed the grounds of this contest, and the condition on which it should terminate—the orders in council, and their

repeal. In April, 1809, the famous arrangement with Erskine was made, hailed by the well-meaning as a second treaty of amity between the two countries ; yet it contained nothing upon the question of seamen. In the President's communication to Congress at the commencement of the war session, November, 1811, enumerating, in no light tone, our controversies with Britain, and recommending preparations for war, the impressment of seamen was not remembered. The secretary of state was earnestly engaged in a correspondence with the British minister, Foster, at the seat of government, until the declaration of war ; nay, until after it had passed the house of representatives. The object of the correspondence avowedly was, to bring our differences to an amicable close—But in this correspondence, the question of impressment finds no place, except incidentally not as a substantive topic of discussion. And in the official communication from our government to our minister in Russia, stating the fact of war declared against Britain, and alleging its justification, with a view to be communicated to the Russian government—[Mr. Monroe's letter to John Q. Adams, of July, 1812]—this justification is rested *solely* on the British orders in council. These, then, were emphatically and exclusively the cause of war. And had it not been for very many weighty considerations to be found in the state of the world, in the nature of the war in Europe, out of which proceeded this violation of neutral rights ; in the conduct of the other mighty belligerent, her injuries, her menaces and intrigues, and in the peculiar condition of this country, actually growing into unexampled prosperity, under the very state of things of which we complained—had it not been for these, and considerations like these, that, trumpet-tongued warned us from the gulf into which we were about to plunge, the orders in council would have justified the resort to war—At all events, they formed what might be termed a sufficient *technical* cause of hostilities, much better than often figures, with conspicuous effect, in the manifestoes of princes, under the specious names of justice, independence and violated rights. But, sir, scarcely had the fatal step been taken, and the destinies of our nation risqued on the fortune of the sword, when the obnoxious orders were revoked, the causes of war removed, and an honorable opportunity afforded of returning to the happy state of peace, commerce, and successful enterprize. How grateful must not the executive of a country, whose policy was fundamentally pacific—how grateful must it not have been for this happy rescue from the horrors of war ! How rejoiced, that all had been effected without a struggle, which it was the object to obtain by a bloody and precarious contest ! Exulting to shew, that when it unsheathed the sword, not passion, but duty urged the reluctant deed, surely it hastened to return the unstained weapon to the scabbard, and extend the blessed olive branch of peace.. Was it so ?—Sir, I never can think of the conduct of the executive upon this occasion, without mingled feelings of surprise, regret, and an-

ger. It can be accounted for but by an infatuation the most profound—an infatuation which is not yet dissipated, and which should fill every breast with apprehensions of that dreadful result, which, in the wisdom of Providence, is preceded by the "darkened counsels" of rulers.

But it is entirely a mistake, says the gentleman from Pennsylvania. The orders in council never were *revoked*; they were indeed *withdrawn*, but under a declaration, asserting the right to re-enact them, should the violence of France, acquiesced in by America, renew the necessity for them. Will the administration, sir, bring forward this excuse? Will they take this ground? No, sir, they cannot, they dare not. The President has told the nation, that the revocation of the orders was substantially satisfactory—in his peculiar phraseology, "The repeal of the orders in council, was susceptible of explanations meeting the just views of this government." How could he do otherwise, after his proclamation of the 2d November, 1810, declaring the French edicts so revoked as to cease to be injurious to our rights; a proclamation founded solely on the letter of the duke de Cadore, of the 5th August, promising a revocation. Does the gentleman recollect the celebrated "Bien entendu," or proviso annexed to this letter: "Provided, that in consequence of this declaration the British government shall revoke their orders in council, and renounce their new principles of blockade, or America shall cause her rights to be respected, conformably to the act which you have communicated?" Does the gentleman remember the tortuous and labored efforts of Mr. secretary Monroe to explain this proviso into a condition subsequent? To prove that it was designed only to assert the right of France to *re-enact these decrees* if Britain should persist in her orders, and we forbear from resisting them? Such a condition subsequent annexed to a *promised* revocation of the French decrees, had no effect to impair its force—but the same annexed in terms to the *actual* revocation of the British orders renders it entirely null!—No, sir, the executive cannot take this ground—his discreet friends will not take it for him. In the emphatic language of the eloquent Junius, this would indeed "resemble the termigant chastity of a prude, who prosecutes one lover for a rape, while she solicits the lewd embraces of another."

But can it be urged, says the gentleman; that the revocation of the orders in council removed all our causes of complaint, and left us nothing more to demand of the enemy? No, sir, this is not urged—But it is contended that as the revocation of the orders in council removed the cause of war, hostilities should *instantly* have been suspended and a fair, manly effort made to settle by negotiation all unadjusted differences which had not caused the war. A question of much importance and delicacy remained to be settled in relation to the search for British seamen on board our merchant vessels, and the occasional impressment of Americans. Under every administration of our country this question had excited great interest and been attended with much difficulty. Of late;

indeed, it had in some degree lost its interest, *and partly* because of the comparatively rare occurrence of the practice.. The restrictive anti-commercial system had expelled native and foreign seamen in vast numbers from our country, and almost removed the temptations to an exercise of what the British claimed as a maritime right—For five years before the war, the dispute had, in fact slept—Subjects more important pressed themselves on our notice, and while *these* pressed *that* was postponed as a matter for future arrangement. But out of these new subjects a controversy arose which issued in war—It had scarcely been declared before the matter in controversy was arranged to our satisfaction by the voluntary act of the enemy. What was our plain obvious course—the course of duty and of policy?—Sheath the sword until it is ascertained whether the dispute which had been laid aside for future arrangement, and which, in consequence of the adjustment of more pressing concerns, is now properly presented to notice, can or cannot be amicably settled. Even tyrants pronounce war the “*ultima ratio regum*” the last resort of princes. Nothing can justify the exercise of force but the inability to obtain right by other means. You had not supposed your just claims on the subject of seamen unattainable by negotiation, or you would not have reserved them for years as a subject for negotiation—And if they be thus attainable, how will ye answer to God and the country for the blood and treasure uselessly—criminally expended?—This mode of thinking, sir, seems to me very straight, and quite in accordance with the good old notions of practical morality—Besides, it is the incumbent duty of him who seeks justice, first to render it. Whatever our claims on Great Britain might have been in relation to seamen, she was not without her claims on us. At a time when her floating bulwarks were her sole safe guard against slavery, she could not view without alarm and resentment the warriors who should have manned those bulwarks pursuing a more gainful occupation in American vessels. Our merchant ships were crowded with British seamen; most of them deserters from their ships of war, and all furnished with fraudulent protections to prove them American. To us they were not *necessary*—they ate the bread and bid down the wages of native seamen whom it was our first duty to foster and encourage. To their own country they were necessary, essentially necessary. They were wanted for her defence in a moment of unprecedented peril. Ought we not then while seeking to protect our own seamen from forced British service, to have removed from her seamen the temptation to desert their country and to supplant ours at home?—Why need I ask the question? Your seamen’s bill, as it is called, enacted into a law since the war, is an acknowledgment that this ought to have been done—However deceptive some of its provisions may appear, its very *principle* is to restore to Britain her seamen, and save our own from her service. Unless you believed this principle *right*, it was the meanest of degradations at such a time to pass such a law—And if it was right, then you had justice to render, as well as to

seek. Had you pursued this plain path of right, had you suspended hostilities, you would have consulted also the true policy of your country. An unconditional proposition for an armistice upon the revocation of the orders, or an unconditional acceptance of the offer for an armistice would have passed for magnanimity. The disgraces which have since foully stained our military character were not then anticipated. The world would have believed, your enemy would have believed, that you suspended your career of conquest because the war had owed its origin not to ambition, but to duty—because you sought not territory, but justice—because you preferred an honest peace to the most splendid victory. With the reputation of having commanded, by your attitude of armour, a repeal of the offensive orders, you would have evinced a moderation which must have secured the most beneficial arrangements on the question of seamen.

But, sir, this was not done. No armistice could obtain the approbation of the executive, unless it was preceded by an abandonment, formal or informal, of the British claim to search for their seamen on board our merchant vessels. As an evidence of this abandonment, the *exercise* of the claim must, by stipulation, be suspended during the armistice, and this suspension was to be the price of its purchase. Even without an armistice, no “arrangement” was to be deemed a fit subject for negotiation which should not be predicated on “the basis” of an exclusion from our vessels, by our laws, of their seamen, and an absolute prohibition of search to their officers. This, sir, was taking very lofty ground; but at that moment the Canada fever raged high, and the delirium of foreign conquest was at its acme. In a few weeks the American flag was to wave triumphant on the ramparts of Quebec—The proposition for an armistice from the governor of Canada was utterly inadmissible. In the language of our secretary of state, it wanted reciprocity—“The proposition is not reciprocal, because it restrains the United States from acting where their power is greatest, and leaves Great Britain at liberty, and gives her time to augment her forces in our neighborhood.”

Mr. Russell did condescend to offer an armistice to the enemy, upon the condition of yielding, as preliminary, even to a suspension of arms, all that could be extorted by the most triumphant war. But even he, in his pacific proposition, could not refrain from exulting at the glorious conquests that would inevitably be made, if submission was refused or delayed.

“Your lordship is aware of the difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries; alliances, or conquests on terms which forbid their abandonment, will inevitably hereafter embitter and protract a contest which might now be so easily and happily terminated.”

I cannot forbear, sir, from one remark at the “awful squinting” in this letter at an alliance with France. Gentlemen are sensitive when the possibility of such a connection is intimated. The

very suspicion of such a design in the cabinet is viewed as a calumny. Here the accredited agent of the American executive proclaims such a connection, such an alliance as *inevitable*—proclaims it in an official communication to the public enemy. The declaration is laid before Congress and the people by the President, unaccompanied by any disavowal—The minister is not censured—For his very conduct in this employment he is raised to the highest grade of foreign Ministers; and in spite of the reluctance of the Senate to confirm his nomination, he is pressed upon them by the President until their assent to his appointment is extorted. I dwell not upon this topic, for I confess to you the honest fears which once congealed my heart are now dissipated. The sun of national freedom has burst forth from behind the portentous eclipse that “with fear of change” had perplexed the darkened world. Napoleon, no longer invincible, stript of the false glare which spendid crime threw around his character, is no longer eulogised as “super-eminent” but denounced by the champions of administration as an “usurper.” No one courts the friendship of a fallen tyrant!—

It is not for me to say in what manner the dispute about seamen is to be settled. On this subject I have no hesitation, however, in giving my general sentiments. It is the duty of this government to protect its *seamen* (I mean its native seamen) from the forced service of any and every power on earth, so far as the strength of the country can obtain for them protection. True it is, that in my opinion the number of impressed Americans bears no reasonable proportion to the number alleged. I live in a state which, tho' it carries not on an extensive foreign commerce, has many native seamen. At the moment of the declaration of war, the inquiry was made whether a single native seamen of North Carolina was then detained by British impressment. I could hear of none. I know that during our restrictive system many of our sailors entered voluntarily into the British service, and when tired of it, complained that they had been impressed—Instances have actually occurred at Plymouth and at London, of men surrendered as impressed Americans, who afterwards boasted that they had cheated their king. In the battle, I think, of the President and the Little Belt, a neighbour of mine now an industrious farmer noticed in the number of the slain one of his own name. He exclaimed, there goes one of my protections. On being asked for an explanation he remarked, that in his wild days, when he followed the sea, it was an ordinary mode of procuring a little spending money to get a protection from a Notary for a dollar, and sell it to the first foreigner whom it at all fitted for fifteen or twenty. The protected alien assumed, of course, the American name, and if impressed, claimed to be liberated under it. The examinations which have been had before the committee of the Massachusetts legislature, and especially that of William Gray, confirm the belief that the number of impressed Americans has been exaggerated infinitely beyond the truth. But their number has been large

enough to render the grievance a serious one—And be they more or less, the right to the protection of their country is sacred and must be regarded. This government would forfeit its claims to the respect and affection of its citizens if it omitted any rational means to secure the rights of American seamen from actual violation. Seek to obtain this security by practical means. If you cannot by substitute obtain an abandonment of the right or practice to search our vessels, regulate it so as to prevent its abuse—*waving* for the present not *relinquishing* your objections to the right. Do all that can fairly be asked of you to supersede the necessity of the practice. When this is done, and you should nevertheless fail—when war is rendered *necessary* to obtain a practical and reasonable security for American seamen against the abuses of impressment, then, sir, that war is just. Whoever may question its expediency, none who admit that wars may ever be justly waged can feel any conscientious scruples in yielding it support. This, sir, is no late opinion of mine. It has been long and publicly avowed—not indeed as a pledge to my constituents, as my friend and colleague (Mr. Murphey) has remarked—we do not deal in pledges—but because it is my habit to be frank when no duty commands concealment—Nor is it strange that I should feel attached to the rights of the American sailor. I am a native of the sea-board. Many of the playmates of my infancy have become the adventurous ploughmen of the deep. Sea-faring men are among my strongest personal and political friends. And for their true interests—their fair rights, I claim to feel a concern as sincere, and a zeal as fervent as can be boasted by any gentleman from the interior, or from beyond the mountains, who has heard of them, but knows them not.

Has the prosecution of your scheme of invasion and conquest against the Canadas a tendency to secure these rights, and advance these interests? This, sir, is a momentous question, on which it is the duty of every man in authority to reflect dispassionately, and with a fixed purpose to attain the truth. Unless this tendency be manifest, and morally certain, every motive which can be addressed to an honest heart and intelligent mind, forbids its prosecution at the present moment. Make a fair comparison of its certain or probable ills with its possible gains, and then pronounce the sentence which justice, humanity, and policy demand; and a suffering nation will bless your decision.

It is not my design to consider the immense expenditure which this scheme has cost, and which a continuance of it will cost to this country.* Well worthy is this topic of consideration, espe-

* It was well remarked by Mr. Pearson, that the constitutional rule of ascertaining the contribution of each individual to the satisfaction of the public debt, was to be collected from the system of direct taxes. Supposing the debt which will have been created by the Canada war by the close of the next campaign to be ninety millions, every man may ascertain how much of his property is mortgaged for its payment, by advertizing to his portion of the direct tax. The whole amount of this direct tax is three millions—Multiplying therefore each man's direct tax by thirty, will give the share of the *whole debt*, for which he may be considered as liable.

cially at a moment when industry is without encouragement, and external revenue is utterly destroyed. But it has been examined with great ability by gentlemen who have preceded me, especially by the gentlemen from Connecticut and Virginia, (Mr. Pitkin and Mr. Sheffey) and contenting myself with an earnest request, that their remarks be not forgotten, and that in your zeal for conquests you do not beggar your people, I hasten to present other views which have not been so fully unfolded.

There is something in the character of a war made upon the *people* of a country, to force them to abandon a government which they cherish, and to become the subjects or associates of their invaders, which necessarily involves calamities beyond those incident to ordinary wars. Among us some remain who remember the horrors of the invasion of the revolution—and others of us have hung with reverence on the lips of narrative old age, as it related the interesting tale. Such a war is not a contest between those only who seek for renown in military achievements, or the more humble mercenaries whose “business ‘tis to die.” It breaks in upon all the charities of domestic life—and interrupts all the pursuits of industry. The peasant quits his plough, and the mechanic is hurried from his shop to commence without apprenticeship the exercise of the trade of death. The irregularity of the resistance which is opposed to the invader, its occasional obstinacy and occasional intermission, provoking every bad passion of his soldiery, is the excuse for plunder, lust, and cruelty. These atrocities exasperate the sufferers to revenge—and every weapon which anger can supply, and every device which ingenious hatred can conceive, is used to inflict vengeance on the detested foe. There is yet a war more horrible than this. As there is no anger so deadly as the anger of a friend, there is no war so ferocious as that which is waged between men of the same blood, and formerly connected by the closest ties of affection. The pen of the historian confesses its inability to describe, the fervid fancy of the poet cannot realise, the horrors of a civil war. This invasion of Canada involves the miseries of both these species of war. You carry fire and sword amongst a people who are “united against you (say your generals) to a man”—amongst a people who, happy in themselves, satisfied with their condition, view you not as coming to emancipate them from thralldom, but to reduce them to a foreign yoke; a people long and intimately connected with the bordering inhabitants of our country by commercial intercourse, by the ties of hospitality, by the bonds of affinity and of blood—a people, as to every social and individual purpose, long identified with your own. It must be that such a war will rouse a spirit of sanguinary ferocity that will overleap every holy barrier of nature and venerable usage of civilization.—Where will you find an authenticated instance of this ferocity, that more instantaneously compels the shuddering abhorrence of the heart, than the fact asserted by my eloquent friend from New-Hampshire, (Mr. Webster)—“The bayonet of the brother has been actually opposed to the breast of

the brother."—Merciful Heaven ! That those who have been rocked in the same cradle by the same maternal hand—who have imbibed the first genial nourishment of infant existence from the same blessed source—should be forced to contend in impious strife for the destruction of that being derived from their common parents !—It should not be so!—Every feeling of our nature cries aloud against it !

One subject is intimately connected with this Canadian war, which demands the most thorough and deliberate examination. I tremble to approach it thus incidentally, lest I injure the cause of humanity and truth, by a cursory vindication. And yet I dare not altogether omit it, because I fear an opportunity of full consideration will not be presented, and it is of an urgency and of a magnitude that forbid it to be overlooked. I mean, sir, the falsely called system of retaliation, which threatens to impart to the war a character of barbarity which has not its parallel in the modern annals of Christendom. Twenty-three persons of our invading army, who were taken prisoners by the enemy at the battle of Queenstown, in Canada, have been sent to England as British subjects, to be tried for treason. To deter the enemy from executing the law upon these unhappy men, our executive has ordered into close custody an equal number—not of American citizens invading our country—(this would, indeed, be retaliation)—but of British prisoners who have committed no crime. It is avowed that these shall be put to instantaneous death, if the men sent to England should be convicted and executed. The British government have proceeded in return, to confine a corresponding number of Americans as hostages for the safety of these British prisoners, under the same determination and avowal. This has been again retaliated on our side, and the retaliation retorted by the enemy, so that an indiscriminate and universal destruction of the prisoners on each side, is the menaced consequence of the execution of one of the presumed Englishmen ordered home for trial.

Before we enter upon this career of cold-blooded massacre, it behoves us, by every obligation which we owe to God, to our fellow men, and to our ourselves, to be certain that the right is with us, and that the duty is imperative. If in a moment of excited feeling we should heedlessly enact the fatal deed which consigns thousands of the gallant and the brave, Americans and Britons, to an ignominious death, and should afterwards discover that the deed was criminal, that the blood of the innocent is upon us, and the cries of their fatherless infants have ascended against us to the throne of the Most High ; how shall we silence the reproaches of conscience ? how atone for the wide-spread and irreparable mischief ? or how efface from the American name, the infamous stain that will be stamped upon it ? With motives thus awfully obligatory to a correct decision, we are in imminent danger of error, from causes of which we are not aware. A portion of our population, inconsiderable in number as compared with the whole mass, but influential, because of their activity, violence, boldness,

and their control of the popular presses—I mean, sir, that part of our naturalized citizens, who, not content with pursuing the private occupations of industry, undertake to manage the affairs of state, or teach us how they should be managed, have systematically and zealously laboured to disseminate false principles, and excite prejudices and passions calculated to mislead the public mind. Divesting ourselves, as far as possible, from all hasty impressions, let us examine upon what foundation rests the right to put our prisoners to death, in revenge for the execution of the men who are to be tried in England for treason. If it shall be, that these men are native subjects of Great Britain, who have never pretended to shake off their allegiance by naturalization here, their crime in making war against their acknowledged country, and actually invading its territories, is so manifestly treason; and the right of their country to punish such treason, is so complete, that I will not presume it necessary to argue upon either of these topics. If the enemy has a perfect right to regard them as traitors, we cannot have the inconsistent right to avenge, with innocent blood, their just doom. But it may be, that some of them are British subjects, naturalized in America. I believe this is not the fact. We have no official information; but from the most respectable inofficial sources, I learn it is not the fact. If it should be, however, a very interesting inquiry presents itself—What is the effect of naturalization in severing the ties which bind a man to his native country; and in requiring, as against its claims, the protection of his adopted country? It is my conviction, that erroneous opinions prevail upon this point.—It is a point on which this country, surrounded by foreign territories, into which our citizens are migrating in vast numbers, has a very deep interest to form correct opinions.

Every political association must be considered as originally founded on a contract between each of its members and the whole body. Each stipulates to yield obedience to the laws, and to refrain from acts destructive of the existence of the state—while the community, as such, stipulates to secure to each individual the enjoyment of his rights. The duration of such an association if not defined by the original compact is necessarily unlimited. When any one of its members is desirous to free himself from his engagements, it is manifest that he cannot do it by his own act, at his own pleasure, for such a power would be utterly inconsistent with the notion of an obligation. He can be released from his contract only upon the occurrence of some event which by the terms of the association it is stipulated shall have such effect, or by the consent of the community to which he was bound. As is the state of the original parties to the association, such is that of their descendants. Children in every political community must be viewed as succeeding to the rights, and with them, to the consequent obligations of their parents—But for this principle the great inducement to the social state, the desire of providing for the security and happiness of a family would be annihilated, and the trammels of government

never would be submitted to. But for this, that perpetual succession which keeps up the identity of a nation, although its individuals are all in a state of decay and renovation, which gives it a corporate being essential to its action, is at once destroyed. From these principles, or principles like these, it is that all jurists agree, that when a political society is formed, the fundamental laws of that society may prescribe when and upon what terms only any individual of it shall be freed from his engagement to defend it. That each society possesses this right, is a principle of universal law—No dictum can be found to contradict it. Ifow such right shall be exercised must of course depend on the wisdom and virtue of the society itself, or of those who enact its laws. It must be perfectly obvious, that in any case where the fundamental laws of the society do not permit the individual to release himself from his engagement, the intervention of a third party cannot effect this release. A promise of A to B cannot be discharged by an act of C. The effect therefore, which the naturalization in any country of the subject of another has upon the original obligations of that subject to his native country, must depend upon its laws, prescribing to what extent and under what circumstances these original obligations may be lessened or destroyed. The institutions of different countries vary from each other in this respect—some are more rigid and others more indulgent. But I know of but one state on earth, the State of Virginia, which allows the native subject or citizen so completely to divest himself of his original character as to raise against her with impunity the hand of parricide. Virginia by a statute does permit a citizen by a formal deed executed before witnesses, acknowledged in court and recorded, to quit claim and renounce his birth right, and thenceforth to be deemed as though he never had been of the State. All other states in the civilized world impose this restraint, that their original subject shall never wage war against his country.

With the fundamental laws of England, in relation to this subject, we have a perfect acquaintance. *In general* every man is there at liberty to quit the kingdom, to pursue abroad such occupations, and enter into such engagements as he may find beneficial; but on the express condition, that he shall not violate his faith to his sovereign, the first great duty of which, is not to invade his territories, and war against his subjects. I was surprised to hear a gentleman from Kentucky, whose good sense and independence I much respect (Mr. Montgomery) argue that the permission to a British subject to leave his country was an *implied* consent, that he might throw off all allegiance to it. Such an *implication* is done away by the very terms of the permission. The law is as old as Magna Charta, and has been uniform down to this day. “*Licuit unicuique de cetero exire de regno nostro et redire salvo et secure per terram et per aquam, SALVA FIDE NOSTRA.*” 33d Article Abbot’s edition of *Magna Charta*. “It may be lawful for every one hereafter to go out of our kingdom, and return safely and securely by land and by sea, saving his faith to us.” In

the reigne of Elizabeth occurred the case of Dr. Story, which gentlemen will find accurately reported, 2d Dyer, 298b. 304b. A native of England, he had long quitted that country, had become a subject of Philip of Spain, and had actually been received as ambassador from Philip at the English court. He was indicted for treason—he pleaded the fact of his having become a Spanish subject—the plea was overruled—he was convicted and executed. The case of colonel Townly occurred in 1746. He was indicted for treason in aiding in the rebellion of 1745, was convicted and executed; notwithstanding the fact of his having become a French subject, and bearing a French commission. The case of Æneas McDonald in the same year was more remarkable. He had left Scotland his native land, a mere infant, and ever afterwards resided in France. As a subject of the king of France, and an officer in his army, he accompanied the Pretender in 1745—was taken prisoner, indicted for treason, and convicted. He was, indeed, not executed. The hardship of his fate excited commiseration, and upon the recommendation of his jury to mercy, his sentence was commuted into perpetual banishment. It is vain to multiply proofs. Nothing can be more certain than the English law in relation to its subjects naturalized abroad waging war against their country. The law of France is more strict and equally precise. The edict of Trianon, of 23d August, 1813, with great precision declares, “no Frenchman can be naturalized abroad without our consent, (that is of the Emperor)” —and that “Frenchmen naturalized abroad, *even with our permission*, can at no time carry arms against France, under pain of being indicted in our courts, and condemned to the punishment enacted in the penal code—Book 3. ch. 75.” During the French revolution in 1795, a corps of emigrants, whom oppression and brutal violence had compelled to quit their country, formed themselves into an army in the pay and employment of Britain, and as such engaged in the ill fated expedition to Quiberon. They were made prisoners and executed as traitors. What is our own law? In every state of the Union, except Virginia, it is precisely the law which obtains in Great Britain—no man shall exempt himself from the obligation not to war against his country—and in Virginia even, he can only get rid of this obligation, by observing the stipulated forms which its law prescribes. Naturalization, granted in another country, has no effect whatever to destroy his original primary allegiance. A gentleman from Virginia, (Mr. Eppes) informed us that under a British statute, two years voluntary service in their navy *ipso facto*, naturalized a foreigner. Be it so, sir—Let us suppose that during our restrictions on commerce an American citizen, a Virginian for instance, who had gone through the stipulated formalities of expatriation had entered on board the British navy, and after serving there two years, and thus becoming a naturalized subject of George the 3d, had infamously joined in the invasion of his native land. Suppose this miscreant taken prisoner heading a hostile band at the burning of Havre, or at the atrocious outrages of

Hampton, and arraigned for treason in levying war against the United States—what defence could be made for him? Is there a gentleman in the house with any pretensions to legal science, who will so far hazard his reputation as to allege that a defence could be made for him? Is there a judge in our land from those who adorn the bench of our supreme court, down to the humblest in capacity and office, who could be even amused by the miserable sophistry, that naturalization in Britain repealed our law of treason? No, sir.—The traitor would be condemned—inevitably condemned; and if the President were frightened from executing the sentence by an insolent threat from Britain, to put innocent Americans to death, in revenge for the just doom of the convict, he would encounter the contempt and execration of his country. How is it then that we undertake by such menaces to deter the enemy from executing a like law, under like circumstances against her unnatural children?

This law against the alienation of allegiance is no relict of tyranny; it is founded in the analogy of nature, and essential to the harmony of the world. There is a striking similitude between the duties of a citizen to his country, and those of a son to his father. Indeed, sir, what is the word country, but a comprehensive phrase, embracing all those charities which grow out of the domestic relations of parents, children, kindred and friends? When the boy has attained manhood, and the father's care is no longer necessary to guard him from daily harms, he is at liberty to quit the parental roof, to become the inmate of another family, there form connections essential to his happiness, and take upon himself obligations of respect and tenderness as the adopted son of other parents. But is nature's first great bond utterly severed? Can he return at the bidding of his new friends, to ravage and destroy the home of his childhood, and pollute it with the life-blood of those from whom he received life? Would this be but an ordinary trespass, a common homicide, which provocation might extenuate, excuse, or even justify?—An association, sir, formed by a resurrection of the wretches who have died on the gibbet, would disdain such a principle in their code. What is the jargon of modern expatriation, but the same principle interpolated into the code of nations?

The peace and independence of every state, and of none more than ours, demand that the citizen should not be released from the just claims of his country by the interference of foreign powers. Give to such interference this effect, and every nation is made dependent upon the arbitrary exercise of a foreign right to control and regulate its vital concerns. The Spanish dominions to the south, and the British territories to the north, have tempted from us many of our boldest spirits. Let them go—let them there enjoy every privilege, if they can find it, which in our happy country is given to the fugitive European; every privilege which is essential to their comfort. Let them pursue in tranquillity their industrious occupations—realize the profits of enterprize, and be protected from every invasion of individual right. In return for these

advantages, let them, like the European whom we naturalize, render a cheerful obedience to the laws, perform every social duty which is assigned to them, and contribute to the support of the government a fair proportion of their gains. But permit them not to forget the country which gave them birth and protected their infancy. Suffer them not with impunity to be converted into hostile tribes, whose numbers may be swelled from day to day by the factious, the restless, and the criminal, who have but to pass an ideal line, and the duty of obedience is converted into the right to destroy.

Unless I am greatly deceived, the law of England must be suffered to have its course with the individuals, if natives of England, and migrating to us since the revolution, who are sent thither for trial—Whether they ought to be executed, if convicted, is a very different question. Considering the intimate connection which common origin, language and manners, and a long and intimate commerce has heretofore induced between the countries, and the consequent interchange of their inhabitants; remembering too that general laws are often cruel in their application to particular cases, the executive authority in that country, is bound by the strongest motives, to consult the dictates of humanity, and forbear the too rigorous exercise of right. But if these considerations should not there prevail, and the severe penalty of the law of treason is exacted, as of right it may be, shall we without right, without the semblance of law, coldly murder those who are in our power, who have committed no treason against us, and against whom crime is not pretended? Is this called retaliation? Britain executes British traitors serving in the American army, regularly tried and convicted of treason, and we, in return, execute—whom? American traitors, serving in the British army, and convicted of treason? No, but faithful, loyal men, bearing arms in the cause of their native country! tried by no law! offenders against no law! Sir, the pretension is monstrous. I have met with no instance of such a pretension being ever asserted in a civilized country. Did Philip of Spain retaliate in this way for the execution of Dr. Story? Did France retaliate for the execution of Col. Townly? Did Britain thus retaliate for the execution of the French emigrants taken at Quiberon? I have heard it said that Napper Tandy, an Irishman, naturalized in France, was surrendered upon a threat of retaliation from France. I doubt the fact—the only evidence of it is in a *note* to an evidently partial and one-sided account of his trial in a collection of Curran's Speeches. In no authentic register have I been able to find it. But if it were true, the note itself states, that the ground on which he was demanded, was not that he had been naturalized by France, and therefore not liable to be executed for treason; but because he had been unjustly seized at Hamburg, in neutral territory, and ought to be returned. Theobald Wolf Tone, Tandy's associate, and, like him, an officer of France, but not like him, arrested in a violated neutral territory, was neither demanded nor delivered. Condemned to

death, he changed the mode of its execution by committing suicide. And shall my country, claiming to excel in humanity, as it excels in freedom, the nations of Europe, shall it be the first to avow a monstrous, unfounded pretension, and vindicate it by innocent blood? Shall it teach a lesson of barbarity to the hardened chieftains of slaughter, of which they were before ignorant? Shall it seek to protect foreigners from the vengeance of their sovereigns, at the cost of immolating its own native citizens? Shall it doom a revolutionary Winchester, or a gallant Winder, to a shameful death, because it cannot save alien traitors from their legal fate?

Think for a moment, sir, on the consequences, and deem it not unworthy of you to regard them. True courage shuts not its eyes upon danger or its result. It views them steadily, and calmly resolves whether they ought to be encountered. Already has this Canadian war a character sufficiently cruel, as Newark, Buffaloe and Niagara can testify. But when the spirit of ferocity shall have been maddened by the vapour steaming from the innocent blood that shall stagnate around every depot of prisoners, then will it become a war, not of savage, but of demoniac character. Your part of it may, perhaps, be ably sustained—Your way through the Canadas may be traced afar off by the smoke of their burning villages—Your path may be marked by the blood of their furious peasantry—You may render your course audible by the frantic shrieks of their women and children. But your own sacred soil will also be the scene of this drama of fiends. Your exposed and defenceless sea-board, the sea-board of the south, will invite a terrible vengeance. That sea-board which has been shamefully neglected, and is at this moment without protection, has been already invaded. But an invasion, after the war shall have assumed its unmitigated form of carnage, and woe, and wickedness, must be followed with horrors which imagination can but faintly conceive. I will not trust myself to tell you all I feel, all my constituents feel, upon this subject—but I will say to the gentleman from Pennsylvania, that when he alludes to the probability that an intestine foe may be roused to assassination and brutality, he touches a chord that vibrates to the very heart. Yes, sir, I live in a state whose misfortune it is to contain the materials out of which may be made such a foe—A foe that will be found every where—in our fields, our kitchens, and our chambers; a foe, ignorant, degraded by habits of servitude, uncurbed by moral restraints—whom no recollections of former kindness will soften, and whom the remembrance of severity will goad to phrenzy—from whom nor age, nor infancy, nor beauty, will find reverence or pity—and whose subjugation will be but another word for extermination—Such a foe, sir, may be added to fill up the measure of our calamities. Let me not be misunderstood—Let no gentleman misconceive my meaning. Do I state these consequences to intimidate or deter you? I think better of my countrymen. I hope and believe in the language of Wilkinson to Prevost, that Americans will not be deterred from pursuing what is right by any dread of consequences. No, sir, I state them

to rouse your attention and waken your scrutiny into the correctness of the course you are pursuing. If on mature deliberation you are *sure* you are right, proceed, regardless of what may happen.

*Justum et tenacem propositi virum—
Si fractus illabatur orbis,
Imflavidum ferient Ruinæ.**

But reflect well, I conjure you, before reflection is too late—Let not passion or prejudice dictate the decision—if erroneous, its reversal may be decreed by a nation's miseries, and by the world's abhorrence.

Mr. Chairman—Turning from the gloomy view of the effects of the Canada war, my attention is arrested by another consequence likely to follow from it, on which I will not long detain you, but which is not less interesting, nor less alarming. In proportion as gentlemen become heated in their pursuit of conquest, and are baffled in their efforts to overtake it, the object becomes more valuable in their estimation, and success is more identified with their pride. The conquest of Canada contemplated as an easy sport, without a fixed design either to keep it to secure, or surrender it to purchase rights, has from its difficulty swelled into an importance which causes it to be valued above all rights. Patriotism was relied on to fill the ranks of the invading army; but it did not sufficiently answer the call. These ranks, however, must be filled—Avarice is next resorted to—The most enormous price is bid for soldiers, that was ever offered in any age or country. Should this fail, what is the next scheme?—There is no reserve or concealment. It has been avowed that the next scheme is a conscription. It is known that this scheme was recommended even at this session by the war department—and that it was postponed only to try first the effect of enormous bounty. The freemen of this country are to be drafted from the ranks of the militia, and forced abroad as military machines, to wage a war of conquest! Sir—I have been accustomed to consider the little share which I have in the Constitution of these United States, as the most valuable patrimony, I have to leave to those beings, in whom I hope my name and remembrance to be perpetuated. But I solemnly declare, that if such a doctrine be engrrafted into this Constitution, I shall regard it as without value, and care not for its preservation. Even in France, where man inured to despotism, has become so passive and subservient, as almost to lose the faculty of feeling oppression,

* The man resolv'd and steady in his trust,
Inflexible to ill, and obstinately just;

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From orbs convuls'd should all the planets fly,
World crush on world, and ocean mix with sky;
He, unconcern'd would view the falling whole,
And still maintain the purpose of his soul.

and the capacity to perceive it ; even there, sir, the tyranny of conscription rouses him to the assertion of his innate freedom, to a struggle against slavery in its most malignant form. No, sir, not the dread of all the severe punishments* ordained for refractory conscripts, not the “*peine du boulet*,” the “*travaux publiques*,” nor death itself, can stupify him into seeming submission. He yields only to absolute force, and is marched to the field of glory manacled and hand-cuffed. And is such a principle to be introduced into our benign, our free institutions ? Believe me, the attempt will be fatal.—It cannot succeed but by military terror—It will be the signal for drawing the sword at home.—Americans are not fitted to be the slaves of a system of French conscription, the most detestable of the inventions of tyranny. Sir, I hear it whispered near me, this is not worse than the impressment of seamen. It is worse, infinitely worse. Impressment forces seamen to serve in the public ships of their country, instead of pursuing their occupation in the merchant service. It changes their employment to one more rigorous, of longer continuance, of greater danger. But it is yet employment of the same kind—It is yet employment for which they are fitted by usage and education. But conscription is indiscriminate in the victims of its tyranny. The age not the pursuit of the conscript is the sole criterion of his fitness. Whatever be his habits, whatever his immediate views, whatever his designed occupation in life, a stern mandate tears him from the roof of his father, from the desk, the office, the plough, or the workshop, and he is carried far from home to fight in foreign climes the battles of ambition. But, sir—if conscription were not worse than impressment, I should not lose my objections to it—I am not prepared to assent to the introduction of either conscription or impressment into my country. For all the British territories in the Western World, I would not. Fight for Sailors’ Rights—yet rivet on our citizens a French conscription ! Fight for rights on the ocean, and annihilate the most precious of all rights at home—the right of a Freeman never to be forced out of his own country !—How alarming is the infatuation of that zeal, which, in its ardor for attaining its object, tramples in the dust objects of infinitely higher price !

What is the probability of success in this scheme of conquest, is a topic on which I mean not to enlarge. It is not necessary that I should, for others have ably discussed it. That you may take Upper Canada, that you may overrun the lower province I be-

* The system of conscription is upheld in France, by the most rigorous punishments upon all who are instrumental in evading its operation. The most ruinous fines are imposed upon the parents of the refractory conscript, and where they are necessary to his escape, the severest corporal punishment, such as branding with hot iron, public exposure and imprisonment. The “*Peine du Boulet*,” is an iron ball of eight pounds weight, fastened to the leg by an iron chain seven feet long. It is accompanied with hard labour of ten hours daily, and, in the intervals of rest, solitary confinement. It lasts ten years, and the poor wretch wears a disgraceful dress, the emblem of his ignominy—The “*travaux publiques*” are employment in such publick labours as the government may direct.

ieve—But that you will take Quebec, while the mouth of the St. Lawrence is commanded by a hostile fleet, I cannot believe. If an opposite thought sometimes gets possession of my imagination, I find it springing from that impulse of the heart which makes me fancy victory perched on the standard of my country, and not the result of an exertion of the understanding—But, sir, if you should conquer the Canadas, subdue Nova Scotia, and possess yourself of all the British territories in America—if, after impoverishing your country by ruinous loans, and grinding down your people by oppressive taxes, you should wade at last through the horrors of invasion, massacre of prisoners, a servile war, and a military conscription, to the now darling object of your wishes—I pray you, sir, what is then to be done?—What do you design to do with the conquered territory? We will keep it, say the gentlemen from Vermont and Pennsylvania, (Mr. Bradley and Mr. Ingersoll.) We will keep it because it is an object with our people—because it will keep off Indian wars—and retribute us for the wrongs we have sustained. I believe, indeed, that, if conquered, there will be a powerful party to the north and west that will not consent to part with it, with whom it is an *object*. But how shall it be kept?—As a conquered province? To *retain* it as such against the efforts of an exasperated, though conquered, people within, and the exertions of a powerful, proud and irritated enemy without, that enemy master of the sea, always able to invade and to succour the invaders, will require a military strength and a pecuniary expenditure not less continued or less in amount, than were demanded to take it—Such a conquest is never finished—when nominally effected it is to be begun. But we will incorporate it into the Union—Aye, this would be indeed a pleasant result. Let my southern friends—let gentleman who represent slave holding states attend to this. How would this project take at home? What would their constituents give to have half a dozen new states made out of the Canadas? It is, besides, so notable an expedient for strengthening the nation, and so perfectly in accordance with the principles of our form of government. We are to *force* men into an association the very life of which is *freedom*, and the breath of that life unrestrained choice! And to give vigor to the nation, we are to admit into its councils, and into a free participation of its power, men whose dislike of its government has been strengthened into abhorrence by the exasperations of war, and all whose affections are fixed upon its enemy!—But at all events you are to keep the Canadas. What then will you do about sailors' rights?—You will not be a jot nearer to them then, than you are now—How will you procure them, or seek to procure them? Will you then *begin* in good earnest to protect or obtain them by naval means?—Would it not be adviseable to attend to this declared object of the war *now*, rather than wait until after the Canadian scheme is effected?—Perhaps you mean to keep Canada and abandon sailors' rights—if so, why not avow to the people that it is *conquest* you fight for, and not *right*?—But perhaps it is designed when the

Conquest is effected, to give it back to Britian as an equivalent for the cession, on her part, of some maritime right—for the privilege that our ships shall not be searched for British sailors. On this question you may make an arrangement practically securing all we ought now to contend for. You will I hope make it in the pending negotiation—But, that by a surrender of Canada, after it is conquered, you may purchase from her disavowal or relinquishment of the right, no man can believe who understands either the views or the prejudices of that people. They believe the right essential to their naval existence, to deter their seamen from general desertion—All classes in that country so regard it—we know there is not a difference of opinion among any description of politicians in the kingdom upon this subject. If they have any jealousy of you, (and I believe some of them have) it is not a jealousy of your territorial extent—but of your fitness to become their commercial and naval rival. Can it be believed then that they would compromise in a surrender of a claim, which surrendered, in their judgment, weakens them and invigorates you where alone they are apprehensive of a competition, for the sake of preventing an accession to your territory which extends your limits, while it takes away from your strength? Indulge no such delusion—Were Canada a thousand times more important to Britain than it is, it were yet of less value than her naval power. For the sake of it she would never yield a principle on which that naval power depends. No, sir, the return of conquered Canada, even with the hoped for agency in our favour of the Russian Emperor, would not weigh a feather in the scale against what she deems her first great national interest. As it regards too these fancied exertions of Russia in our favour, gentlemen surely deceive themselves. However attached Russia *may* be to the most liberal principles of commercial intercourse, *she* never will array herself against the right of the sovereign to compel the services of his sea-faring subjects—On this head her policy is not less rigorous (to say the least) than that of England—I will not be more particular—a short time will probably shew the grounds of my belief.

But, sir, among the reasons for prosecuting the invasion of Canada, one has been gravely stated of a very peculiar kind. Canada, says a gentleman from South Carolina, (Mr. Calhoun) should be invaded to protect our frontiers and sea-board from invasion—it is the most economical and effectual method of defence. Although this consideration presents nothing very splendid to our view, yet it would be worth all other reasons for the invasion if it were founded on fact. But ask the people on your frontiers and on your sea-board, and what will they say?—They will tell you, that it is the invasion of Canada alone which endangers them—The most effectual defence to them would be an abandonment of your scheme. Sir, an invasion of the United States, but for the purpose of diverting your forces from Canada, or retorting on you the distresses of war, cannot enter into the scheme of British or Canadian policy. It is not to be prosecuted, but at vast inconven-

ience, and expense, with great loss of useful soldiers, under a certainty of ultimate failure, and without hope of glory or gain. The Canadian yeomanry, freed from the terrors of invasions, will cheerfully resume their peaceful occupations—and such of the British regulars as are not required for ordinary garrison duty, instead of being employed in a miserable, predatory, yet destructive border warfare, will be sent to mingle in the European strife, where renown and empire are the mighty stake. Surely this is emphatically the age and the government of paradox. A war for "free trade" is waged by embargo, and prohibition of all commercial intercourse—"sailors' rights" are secured by imprisoning them at home, and not permitting them to move from place to place within their prison, but by a license from a collector, like a negro's pass, and obtained on the security of a bondsman—and our frontiers and sea-board are to be defended by an invasion of Canada, which can alone endanger an attack!

But the real efficient argument for perseverance in the scheme of Canadian conquest has been given by the gentleman, from Tennessee (Mr. Grundy). *We* made the war on Britain, says the gentleman, and shall we restrict ourselves to defensive measures? For what purpose was war declared, if we do nothing against the possessions of the enemy? Yes, sir, it is the consideration that this war was originally offensive on our side, that creates the, I fear, insuperable obstacle to our discontinuance of it. It were vain to lament that gentlemen are under the influence of feelings which belong to human nature. It would be idle to declaim against the sinfulness or the folly of false pride. All must admit that it is one of the greatest efforts of magnanimity, to retract a course publicly taken, and on the correctness of which reputation is staked. If honorable gentlemen could but perceive that this difficulty is one of pride only, and of pride opposing their country's best interests, I know that they could, and believe many of them would, make the effort—Painful as may be the acknowledgment of political error, yet if they clearly saw that either this humiliation must be endured, or the nation ruined, they could not hesitate in their choice between such alternatives. But, sir, I wish not to present such alternatives to their election—So difficult is it to produce a conviction, against which the pride of the heart rebels, that I will not attempt it. Gentlemen are not called on to retract. They may now suspend the execution of their scheme of invasion without an acknowledgment of its error. They may now, without humiliation, restrict themselves to defence, although the war was in its origin offensive. A second favorable opportunity is presented of restoring tranquillity to our once happy country—The first, the revocation of the orders in council, was suffered to pass unimproved. Let not this be lost—a third may not shortly occur. Your enemy has invited a direct negotiation for the restoration of peace. Your executive has accepted the offer, and ministers have been appointed to meet the commissioners of the opposite party. This circumstance ought to produce an entire and essential change in

your policy. If the executive be sincere in the acceptance of this proposition, he must have acted on the hope that an amicable adjustment of differences might be made. And while there is such a hope, such a prospect, on what principle can you justify invasion and conquest? Force is the substitute, not the legitimate coadjutor of negotiation—Nations fight because they cannot treat. Every benevolent feeling and correct principle are opposed to an effusion of blood, and an extension of misery, which are hoped to be unnecessary. 'Tis *necessity* alone which furnishes their excuse—do not then at the moment when you avow a belief, a hope at least, that such necessity exists not, pursue a conduct which, but for its existence, is inhuman and detestable.

Besides, sir, if you are earnest in the wish to obtain peace from the Gottenburg mission, suspend, in the mean time, offensive operations, which cannot facilitate, and may prevent the accomplishment of your object. Think you that Britain is to be intimidated by your menaced invasion of her territories? If she had not learned by experience, how harmless are your threats, she would nevertheless see but little cause for fear. She knows that the conquest cannot be completed in one, not in two campaigns. And when she finds that every soldier whom you enlist, is to cost you in bounty alone, upwards of 100 guineas,* she will perceive that the war is more destructive to your finance, the great source of military strength, than to her territories. The blow aimed at her, recoils upon yourselves. But the exasperations which must result from the wrongs mutually inflicted in the course of the campaign, may have a very injurious effect upon the disposition to pursue pacific efforts. They will be apt to create a temper on each side, unfavorable to an amicable arrangement. In truth, too, sir, you are not prepared for such a campaign, as in honor and humanity you can alone permit yourselves to carry on. Suppose by the month of May or June, you raise your men—What are they? Soldiers, fitted to take care of themselves in camp, and support the reputation of your arms in the field? No—they are a mere rabble of raw recruits—march them to Canada, and pestilence will sweep them off by regiments and brigades—while the want of discipline will unfit those, whom pestilence spares, for an honorable contest with an experienced foe—Instead therefore of the hurry and bustle of filling your ranks with recruits and rushing with them into Canada, attend rather to the training and improvement of those now in service. Make soldiers of them—by gradual enlistments you may regularly add to their number, and insensibly incorporate the new levies with the disciplined troops. If it should hereafter become necessary to march into the field, you will then have an army under your command, not a multitude without subordination. Suspend, therefore, hostilities, while you negotiate. Make an armistice until the result of the negotiation is ascertained. You can

* The bounty to each soldier is one hundred and twenty-four dollars cash, and one hundred and sixty acres of land, which, at two dollars per acre, is three hundred and twenty dollars, in all, four hundred and forty-four dollars besides the eight dollars per man to the recruiting agent.

lose nothing—you may gain every thing by such a course—Then negotiate fairly, with a view to obtain for your native seamen a practical and reasonable security against impressment—and with a disposition to aid Britain in commanding the services of her own. Such an arrangement might have been made on the revocation of the orders in council, could you have been then satisfied with any thing short of an abandonment of the British claim to search. I doubt not but that it may now be made—more you probably cannot obtain. The time may come when, with greater effect, you can prefer, if necessary, higher claims. All is hazarded by precipitately urging more than your relative strength enables you to enforce. Permit your country to grow—Let no just right be abandoned—if any be postponed, it may be advanced at a more opportune season, with better prospect of success. If you will quit this crusade against Canada, and seek peace in the spirit of accommodation—and (permit me to add) if you will forego your empiric schemes of embargo and commercial restrictions—you will restore harmony at home, and allay that wide spread, and in some places, alarming spirit of discontent that prevails in our land. And if your pacific efforts fail, if an obstinate and implacable foe will not agree to such a peace as the country can with credit accept, then appeal to the candor and spirit of your people for a constitutional support, with a full assurance, that such an appeal under such circumstances, cannot be made in vain.

It is time—Mr. Chairman—that I should release you from the fatigue of hearing me. There is but one more topic to which I solicit your attention.—Many admonitions have been addressed to the minority, by gentlemen on the ministerial side of this house, not without merit, and I hope not without edification, on the evils of violent opposition and intemperate party spirit. It is not to be denied that opposition may exceed all reasonable bounds, and a minority become factious. But when I hear it seriously urged, that the nature of our government forbids that firm, manly, active opposition, which in countries less free, is salutary and necessary—and when I perceive all the dangers of faction apprehended, only on the side of a minority—I witness but new instances of that wonderful ductility of the human mind, which in its zeal to effect a favorite purpose, begins with the work of self deception. Why, sir, will not our form of government tolerate or require the same ardour of constitutional opposition, which is desirable in one wherin the chief magistrate is hereditary? “Because,” says the gentleman from South-Carolina, (Mr. Calhoun) in a monarchy the influence of the executive and his ministers requires continual vigilance, lest it obtain too great a preponderance—but here the executive springs from the people, can do nothing without their support, and cannot, therefore, overrule and control the public sentiment.” Sir, let us not stop at the surface of things. The influence of the executive in this country, *while he retains his popularity*, is infinitely greater than that of a limited monarch. It is as much stronger as the spasm of convulsion is

more violent than the voluntary tension of a muscle. The warmth of feeling excited during the contest of an election, and the natural zeal to uphold him whom they have chosen, create, between the executive and his adherents, a connection of *passion*—while the distribution of office and emolument adds a communion of *interest*—which combined, produce an union almost indissoluble. “Support the administration” becomes a watch-word, which passes from each chieftain of the dominant party to his subalterns, and thence to their followers in the ranks, till the President’s opinion becomes the criterion of orthodoxy, and his notions obtain a dominion over the public sentiment, which facilitates the most dangerous encroachments, and demands the most jealous supervision. In a proportion as a government is free, the spirit of bold inquiry—of animated interest in its measures—and of firm opposition, where they are not approved, becomes essential to its purity and continuance. And he, who in a democracy or republic attempts to control the will of the popular idol of the day, may envy the luxurious ease with which ministerial oppressions are opposed and thwarted in governments which are less free. Intemperance of party, wherever found, never will meet with an advocate in me—it is a most calamitous scourge to our country—the bane of social enjoyment, of individual justice, and of public virtue—unfriendly to the best pursuits of man, his interest and his duty—it renders useless, or even pernicious, the highest endowments of intellect, and the noblest dispositions of the soul. But, sir, whatever may be the evils necessarily inherent in its nature, its ravages are then most enormous and desolating when it is seated on the throne of power, and vested with all the attributes of rule. I mean not to follow the gentleman from South-Carolina over the classic ground of Greece, Carthage, and Rome, to refute his theory, and shew that not so vehement opposition, but to the abuse of factious and intolerant power their doom is to be attributed—Nor will I examine some more modern instances of republics whose destruction has the same origin—The thing is no longer matter of discussion—it has passed into a settled truth in the science of political philosophy. One, who on a question of historical deduction, of political *theory*, is entitled to high respect, has given us an admirable summary of the experience of republics on this interesting enquiry—in the 10th number of the Federalist, written by Mr. Madison—we find the following apt and judicious observations—“By a faction I understand a number of citizens whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”

“The inference to which we are brought is, that the *causes* of faction cannot be removed; and that relief is only to be sought in the means of controlling its *effects*. If a faction consists of less than a majority, relief is supplied by the republican principle which enables the majority to defeat its sinister views by regular

vote. It may clog the administration, it may convulse the society ; but it will be unable to execute and mask its violence under the forms of the constitution. *When a majority is included in a faction, the form of popular government on the other hand enables it to sacrifice to its ruling passion or interest, both the public good, and the rights of other citizens.* To secure the public good and private rights against the dangers of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our enquiries are directed. Let me add that it is the great desideratum by which alone this form of government can be rescued from the opprobrium under which it has so long laboured, and be recommended to the esteem and adoption of mankind."

If this doctrine were then to be collected from the History of the World, can it now be doubted since the experience of the last twenty-five years ? Go to France, once Revolutionary, now Imperial France—and ask her whether—Factious Power—or, Intemperate Opposition, be the more fatal to Freedom and Happiness ? Perhaps at some moment when the eagle eye of her master is turned away, she may whisper to you, to behold the demolition of Lyons, or the devastation of La Vendee. Perhaps she will give you a written answer—Draw near to the once fatal Lamp-post, and by its flickering light, read it as traced in characters of blood that flowed from the guillotine. “ Factious is a demon !—Factious out of power, is a demon enchain'd !—Factious, vested with the attributes of rule, is a Moloch of destruction !”

Sir—if the denunciations which gentlemen have pronounced against factious violence, are not merely the images of rhetoric pomp—if they are, indeed, solicitous to mitigate the rancour of party feuds—in the sincerity of my soul I wish them success. It is melancholy to behold the miserable jealousies and malignant suspicions which so extensively prevail, to the destruction of social comfort, and the imminent peril of the republic. On this subject I have reflected much—not merely in the intervals stolen from the bustle of business, or the gaieties of amusement ; but in the moments of “ depression and solitude,” the most favourable to the correction of error. For one, I am willing to bring a portion of party feeling, and party prejudice, as an oblation at the shrine of my country. But no offering can avail any thing if not made on the part of those who are the political favourites of the day. On them it is incumbent to come forward and set the magnanimous example—Approaches or concessions on the side of the minority would be misconstrued into indications of timidity or of a hankering for favour. But a spirit of conciliation, arising from those ranks, would be hailed as the harbinger of sunny days, as a challenge to liberality, and to a generous contention for the public weal. This spirit requires not any departure from deliberate opinion, unless it is shewn to be erroneous—such a concession would be a dereliction of duty—Its injunctions would be but few, and it is to be hoped not difficult of observance—Seek to uphold

your measures by the force of argument, not of denunciation—Stigmatise not opposition to your notions with offensive epithets—These prove nothing but your anger or your weakness, and are sure to generate a spirit of “moral resistance” not easily to be checked or tamed. Give to presidential views constitutional respect, but suffer them not to supersede the exercise of independent inquiry—Encourage instead of suppressing fair discussion, so that those who approve not may at least have a respectful hearing—Thus without derogating a particle from the energy of your measures you would impart a tone to political dissensions which would deprive them of their acrimony, and render them harmless to the nation.

The nominal party distinctions, sir, have become mere cabalistic terms. It is no longer a question whether, according to the theory of our constitution, there is more danger of the federal encroaching on the state governments, or the democracy of the state governments paralyzing the arm of federal power—Federalism and democracy have lost their meaning. It is now a question of commerce, peace, and union of the States. On this question, unless the honesty and intelligence of the nation shall confederate into one great American party, disdaining petty office-keeping and office-hunting views, defying alike the insolence of the popular prints, the prejudices of faction, and the dominion of executive influence—I fear a decision will be pronounced fatal to the hopes, to the existence of the nation. In this question I assuredly have a very deep interest—but it is the interest of a citizen only—My public career I hope will not continue long—Should it please the Disposer of events to permit me to see the great interests of this nation confided to men who will secure its rights by firmness, moderation and impartiality abroad, and at home cultivate the arts of peace, encourage honest industry in all its branches, dispense equal justice to all classes of the community, and thus administer the government in the true spirit of the constitution, as a trust for the people, not as the property of a party, it will be to me utterly unimportant by what political epithet they may be characterized—As a private citizen, grateful for the blessings I may enjoy, and yielding a prompt obedience to every legitimate demand that can be made upon me, I shall rejoice, as far as my little sphere may extend, to foster the same dispositions among those who surround me.

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